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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:** ) **Docket No. FIFRA-05-2010-0016**  
)  
**Liphatech, Inc.** ) **Status Report**  
**Milwaukee, Wisconsin** )  
)  
**Respondent.**

**STATUS REPORT**

1. Complainant, U.S. EPA Region 5, submits this status report regarding settlement as directed by Administrative Law Judge Gunning's June 30, 2010 Prehearing Order in the above captioned matter.
2. Complainant initiated this action in September of 2009 by sending Respondent a pre-filing notice letter notifying Respondent of Complainant's intention to file a Complaint for civil penalties against Liphatech for alleged violations of FIFRA.
3. Subsequent to Respondent's receipt of the notice letter, the parties engaged in settlement discussions, but were unable to reach agreement.
4. On April 1, 2010, Complainant sent to Respondent an updated pre-filing notice letter, which included an updated description of the violations to be alleged and a new proposed penalty.
5. On May 14, 2010, Complainant filed the Complaint in this matter.
6. On June 30, 2010, Administrative Law Judge Gunning issued a Prehearing Order in which she directed the parties to hold a settlement conference before August 10, 2010.
7. On July 28, 2010, Complainant and Respondent held a settlement telephone

conference. Additionally, the parties conferred by email after the telephone conference regarding the potential for settlement. At this time the parties are unable to reach a settlement.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Nidhi K. O'Meara", with a long horizontal flourish extending to the right.

Nidhi K. O'Meara  
Erik H. Olson  
Associate Regional Counsels  
U.S. EPA, Region 5

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**In the Matter of Liphatech, Inc.**  
**Docket No. FIFRA-05-2010-0016**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11th day of August, 2010, I filed the original and one copy of a Status Report with the Regional Hearing Clerk, U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and placed for pickup to be mailed a copy of the Status Report by Pouch Mail to:

Honorable Barbara A. Gunning  
Administrative Law Judge  
Office of the Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-2001

and placed for pickup to be delivered by UPS Next Day Air a copy of the Status Report to:

Mr. Michael H. Simpson, Esq.  
Reinhart Boerne Van Deuren S.C.  
1000 North Water Street  
Suite 1700  
Milwaukee, Wisconsin 53202



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Erik H. Olson  
Associate Regional Counsel  
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