

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF)
) FIFRA 04-2014-3009
 MTJ American, LLC)
)
 Respondent)
_____)

SECOND JOINT STATUS REPORT AND MOTION FOR EXTENSION OF TIME TO FILE
CAFO AND/OR PREHEARING EXCHANGES

On December 3, 2015, the Court granted the parties' first Motion for an Extension of Time to file their Prehearing Exchanges so they could continue their efforts to reach final agreement on the terms of a CAFO. The Order gave EPA until January 31, 2016 to file its PHE and Respondent until February 15, 2016 to file its PHE. Since December 3, the parties have made substantial progress and are close to completing the language of the CAFO, and they believe that they will be able to finalize the CAFO by the end of next week and present it to the Regional Judicial Officer for ratification by Tuesday, February 9, 2016. The undersigned counsel for Complainant had intended to be ready to have the final CAFO done by today and to present it to the RJO by Monday or Tuesday of next week, but due to the unexpected death of a family member this week, counsel was out of the office a couple of days.

Counsel hereby jointly request an extension of time to file their PHEs. While Counsel are confident that the CAFO will be signed and timely filed, if for some unanticipated reason this settlement falls apart and the CAFO cannot be filed by no later than February 9, 2016, Counsel would request that the Court extend the time for filing of the PHEs as follows: EPA to file by February 19, 2016, and Respondent to file by March 7, 2016. Respondent's counsel, Matthew Rogers, has authorized the undersigned to state that he concurs in this Second Joint Status Report and Motion for Extension.

Respectfully submitted,



Robert W. Caplan
Counsel for Complainant

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2016, I electronically filed the foregoing Second Joint Status Report and Motion for Extension of Time to File Prehearing Exchanges with the Headquarters Hearing Clerk of the U.S. Environmental Protection Agency, Office of Administrative Law Judges, using the OALJ Electronic Filing System as follows:

METHOD:

PDF filed electronically via
OALJ Electronic Filing System

TO:

Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Copy by first class mail

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Date

1/29/16


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