

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

REGIONAL HEARING
CLERK

2008 MAY -7 PM 2:20

Original
U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2

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In the Matter of .: JOINT STATUS REPORT
Javier Quiles Torres : AND JOINT MOTION
: FOR CONTINUATION OF ADR
:
Respondent. :
:
Proceeding Under the Federal : FIFRA-02-2008-5302
Insecticide & Rodenticide Act, :
as amended. :
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JOINT STATUS REPORT

This is a follow-up to the Joint Status Report filed by Complainant's counsel on April 7, 2008, wherein it was stated that the parties reached an agreement on injunctive relief and civil penalty, subject to memorialization in a Consent Agreement & Final Order ("CA/FO"). Furthermore, the Status Report indicated that Complainant's counsel was drafting a CA/FO and expected to send it to Respondent's counsel for review.

On April 9, 2008, your Honor issued an Order granting continuation of ADR until May 7, 2008, to allow for the submission of a fully executed CA/FO.

During the past thirty (30) days, Complainant's counsel prepared a CA/FO and sent it to Respondent's counsel for review and comment. The CA/FO has been discussed and agreed upon by counsel for both parties.

Please be advised that the CA/FO is now undergoing internal review and concurrence in EPA, Region 2, prior to being sent to Respondent's counsel for his client's signature. The document will then be returned to EPA for the signatures of EPA's Division Director and Regional Administrator.

In the Matter of Javier Quiles Torres, Docket No. FIFRA-02-2008-5302

JOINT MOTION FOR CONTINUATION OF ADR TO ALLOW SUFFICIENT TIME TO FILE FULLY EXECUTED CA/FO WITH THE COURT

In light of the foregoing and that a final execution copy of the CA/FO is expected to be sent within the next two weeks for Respondent's signature, both parties file this motion pursuant to 40 C.F.R. Section 22.16(a), requesting that your Honor continue ADR for an additional thirty (30) days, or until June 7, 2008, to file a fully executed CA/FO with the Regional Hearing Clerk, with a copy contemporaneously sent to your Honor by facsimile and mail.

This additional thirty days is necessary, because the parties need time for ratification of the agreement.

Dated: May 5, 2008
New York, New York

Respectfully submitted,



Bruce Aber
Counsel for Complainant

In the Matter of Javier Quiles Torres, Docket No. FIFRA-02-2008-5203

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Joint Status Report and Joint Motion for Continuation of ADR, dated May 5, 2008, bearing the above-referenced docket number, in the following manner to the addressees listed below:

Copy by Facsimile:
& Certified Mail/Return
Receipt Requested

Honorable William B. Moran
Administrative Law Judge
U.S. Environmental Protection
Agency
Office of Administrative Law Judges
Mail Code 1900 L
1200 Pennsylvania Avenue, N.W.,
Washington, D.C. 20460

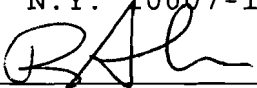
Copy by Facsimile &
Certified Mail/Return Receipt
Requested:

Alberto Ramos, Esq.
Alberto L. Ramos Law Offices
P.O. Box 750
Mercedita, Puerto Rico 00715-0750

Original and Copy
By Hand Delivery:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, N.Y. 10007-1866

Dated: May 5, 2008
New York, New York



Bruce Aber
Assistant Regional Counsel