UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:	)	
	)	
Everyday Group, LLC,	)	**Docket No. FIFRA-02-2012-5201**
	)	
Respondent.	)	

ORDER SCHEDULING HEARING

A review of the file reflects that the prehearing exchange process in this case has been completed and that the parties have not reached a settlement to date. Therefore, the parties shall strictly comply with the requirements of this Order and prepare for a hearing.

On or before **July 9, 2013**, Complainant shall file a Status Report regarding the status of any settlement negotiations between the parties.

As previously ruled in the Order of May 14, 2013, the parties shall also file any dispositive motions regarding liability on or before **July 9, 2013**. Any non-dispositive motions shall be filed on or before **August 26, 2013**.

In connection with the hearing, on or before **August 26, 2013**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate, as much as possible, to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after a hearing.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is **September 6, 2013**. A copy of the briefs should be submitted by email and/or facsimile to the undersigned on or before that date. Complainant's brief should specifically state each count of the Complaint, and each claim therein, that is to be tried at the hearing and indicate any counts and/or claims that are not. Respondent's brief should identify each of the defenses that Respondent intends to pursue at the hearing.

The hearing in this matter will be held beginning promptly at 9:30 a.m. on Monday,

September 23, 2013, in New York County (Manhattan), New York,[1] continuing if necessary, through **September 27, 2013.** The Headquarters Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access and translation services,[2] should contact the Headquarters Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

If either party does not intend to attend the hearing, or has good cause for not being able to attend the hearing as scheduled, it shall notify the undersigned's staff at the earliest possible moment.

RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF THIS MATTER.

Susan L. Biro
Chief Administrative Law Judge

Dated: May 17, 2013
Washington, D.C.

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[1] In accordance with the Supplemental Rules Governing the Administrative Assessment of Civil Penalties Under the Federal Insecticide, Fungicide, and Rodenticide Act, 40 C.F.R. § 22.35(b), the hearing shall be held in the county, parish, or incorporated city of the residence of the respondent, unless otherwise agreed in writing by all parties. Complainant alleges in the Complaint, and Respondent admits in its Answer, that Respondent maintains its headquarters in Brooklyn (Kings County), New York. Compl. ¶ 22; Answer ¶ 22. Complainant notes in its Initial Prehearing Exchange, however, that another part of New York City - namely, Manhattan - would equally satisfy the requirements governing the location of the hearing as "Respondent's residence is located, jurisdictionally speaking, within the City of New York." Complainant's Initial Prehearing Exchange at 20. Complainant asserts a preference that the hearing be held in New York County for the convenience of counsel for both Complainant and Respondent, whose offices are located there. In its Prehearing Exchange, Respondent concurs with this request.

[2] The undersigned notes that Respondent's Prehearing Exchange asserts a need for translation services for two of its proposed witnesses.