3/9/94

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
Health Care Products (through its American agent) Meditox, Inc.,	)	Docket No. FIFRA 93-H-02F
	)	
Respondent	)	

ORDER ON MOTION

By motion dated February 24, 1994, Respondent "moves this Court to vacate its Order of February 15, to the extent it stayed this proceeding; to grant HCP [Respondent] leave to file a response to EPA's Motion to Stay the Proceedings; and to toll the time for HCP to file that response until Judge Head has ruled whether he will stay the parallel Cancellation Action."

By response dated March 4, 1994, Complainant states that it "has no objection to the preservation of Respondent's right to respond to Complainant's Motion until such time as the Court wishes to entertain argument on the stay."

The February 15 order did not constitute a permanent stay of this proceeding. Rather, it merely stayed this proceeding until June 10, 1994 when it provided for the filing of a joint status report by the parties. At that time I would have undertaken a review of the situation and set such further procedures as would have been required including hearing further argument on the matter of a stay. I was under the impression that the parties were in agreement as to a limited stay.

The relief requested in the instant motion does not appear that different in substance and effect from what I had already provided for in my February 15, order. However, to eliminate any uncertainty in this regard, I will grant the subject motion.

The February 15, order is vacated to the extent it constituted a stay of this proceeding; the Respondent is granted leave to file a response to Complainant's February 10, Motion to Stay Proceedings; and the time to file that response is tolled until Judge Head rules on whether he will stay the Cancellation proceeding. Respondent's response to Complainant's February 10, Motion for Stay shall be filed within twenty days of Judge's ruling on whether he will stay the Cancellation proceeding.

The prehearing exchange requirement shall remain stayed. The requirement of the February 15, order that the parties file a joint status report on June 10, 1994 shall remain in effect.

Jon G. Lotis
Administrative Law Judge

Dated: March 9, 1994
Washington, D.C.

IN THE MATTER OF HEALTH CARE PRODUCTS, INC. THROUGH ITS AGENT MEDITOX, INC., Respondent
Docket No. FIFRA-93-H-02F

CERTIFICATE OF SERVICE

I certify that the foregoing Order on Motion, dated March 9, 1994, was sent in the following manner to the addressees listed below:

Original by Hand Delivery to:

Bessie Hammiel
Office of the Hearing Clerk
U.S. Environmental Protection Agency, Region III
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Copy by Inter Office Mail to:

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Dated: March 9, 1994
Washington, D.C.