

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

DAN EOFF

PLAINTIFF/  
COUNTER-DEFENDANT

v.

No. 4:13-cv-368-DPM

ENVIRONMENTAL PROTECTION AGENCY;  
and GINA McCARTHY, in Her Official Capacity  
as Administrator of the EPA

DEFENDANTS/  
COUNTERCLAIMANTS

ORDER

1. Joint report, *No 67*, noted and appreciated. In the circumstances, the motion for partial judgment on the pleadings, *No 60*, is denied without prejudice. The parties' request to extend the stay on the counter-claim is granted. Stay extended until 1 February 2016. If the parties want a settlement conference with a Magistrate Judge, they should jointly request one by 10 December 2015. An Amended Final Scheduling Order will issue.

2. If the parties don't resolve the case by February 2016, then the Court will reinstate *No 60*, and all related filings, and decide that motion. Given the age of the case, in that event, we'll proceed on an expedited schedule – three months of discovery, then motions, and any trial the week of 8 August 2016.

This is a first-out setting. The parties should be prepared to disclose experts, and provide reports, at the beginning of March 2016.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.  
United States District Judge

24 November 2015