

2010 AUG 24 AM 9:39
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Paul and Cathy Schulte)
Bob & Janey, LLC)
) Docket No. SDWA-08-2010-0014
)
)
Respondents) **MOTION TO DISMISS**
) **WITHOUT PREJUDICE**
)
Proceeding under § 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

Complainant United States Environmental Protection Agency Region 8 (EPA) moves to dismiss Respondents Paul and Cathy Schulte from this action, without prejudice. EPA has reached a settlement with the Bob & Janey, LLC, the current owner and operator of the restaurant business involved in this action. A proposed order of dismissal is being filed with this motion.

Respectfully submitted,

Margaret J. (Peggy) Livingston
Margaret J. (Peggy) Livingston
Enforcement Attorney
Office of Enforcement, Compliance
and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Telephone Number: (303) 312-6858
Facsimile Number: (303) 312-7202

Certificate of Service

This is to certify that on the 24 day of August, 2010, a copy of the foregoing motion was sent to each of the following:

Robert D. and Janey Montanye
Bob & Janey, LLC
Oasis Bar & Cafe
250 Recreation Road
Wolf Creek, MT 59648
By certified mail, return receipt requested
7008-3230-0003-0726-9811

Paul and Cathy Schulte
Oasis Bar & Cafe
250 Recreation Road
Wolf Creek, MT 59648
By certified mail, return receipt requested
7008-3230-0003-0726-9934

Dated: 8/24/10

By: Judith McTernan
Judith McTernan

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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|---------------------------------|---|------------------------------|
| _____ |) | |
| IN THE MATTER OF |) | |
| |) | |
| Paul and Cathy Schulte |) | |
| Bob & Janey, LLC |) | |
| |) | Docket No. SDWA-08-2010-0014 |
| |) | |
| |) | |
| Respondents |) | ORDER TO DISMISS |
| |) | WITHOUT PREJUDICE |
| |) | |
| Proceeding under § 1414(g) |) | |
| of the Safe Drinking Water Act, |) | |
| 42 U.S.C. § 300g-3(g) |) | |
| _____ |) | |

The United States Environmental Protection Agency Region 8 (EPA) has moved to dismiss Respondents Paul and Cathy Schulte from this action, without prejudice. The motion is hereby GRANTED.

Hon. Elyana R. Sutin
Regional Judicial Officer

Certificate of Service

This is to certify that on the ___ day of August, 2010, a copy of the order was sent or delivered to each of the following:

Margaret J. (Peggy) Livingston
Enforcement Attorney
Office of Enforcement, Compliance
and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202
By Hand Delivery

Robert D. and Janey Montanye
Bob & Janey, LLC
Oasis Bar & Cafe
250 Recreation Road
Wolf Creek, MT 59648
By certified mail, return receipt requested

Paul and Cathy Schulte
Oasis Bar & Cafe
250 Recreation Road
Wolf Creek, MT 59648
By certified mail, return receipt requested

Dated: _____

By: _____
Tina Artemis
Regional Hearing Clerk