

RECEIVED  
EPA REGION IV  
2011 DEC - 8 PM 4: 22  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF: )

Jeffrey H. Duvall, Duvall Development )  
Co., Inc., Louis Steve Duvall, Sr., and )  
Duvall & Son Livestock, Inc., )

DOCKET NO: CWA-04-2010-5505

Respondents. )  
\_\_\_\_\_ )

**MOTION TO DISMISS THE AMENDED COMPLAINT**  
**AGAINST LOUIS STEVE DUVAL, SR.**

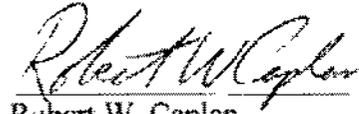
COMES NOW counsel for Complainant in the above-styled case, and pursuant to Section 22.16 of the Consolidated Rules of Practice, hereby files this Motion to Dismiss Respondent Louis Steve Duvall, Sr., as a party from this case, without prejudice. This Motion is being filed as a result of the death of Louis Steve Duvall, Sr., on July 13, 2011.

Complainant and the remaining Respondents have reached a settlement in principle and are currently working towards finalizing the Consent Agreement and Final Order (CAFO) to resolve the penalty action pending before this Court. In light of Mr. Duvall, Sr.'s, death and the proposed settlement, and because EPA is not presently seeking to attach liability to, or to seek penalties from Mr. Duvall, Sr.'s, estate, there is no need or basis for Mr. Duvall, Sr., to remain as a named party in this case. However, should settlement fail, EPA may seek to reinstate the case against the estate of

Mr. Duvall, Sr. Therefore, EPA is moving for dismissal of its Amended Complaint against Louis Steve Duvall, Sr., without prejudice.

Respectfully submitted,

Date: December 8, 2011

A handwritten signature in black ink, appearing to read "Robert W. Caplan". The signature is written in a cursive style with a horizontal line underneath it.

Robert W. Caplan  
Counsel for Complainant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have on the date shown below filed the original and one copy of the foregoing Motion to Dismiss the Amended Complaint Against Louis Steve Duvall, Sr., In the Matter of: Duvall Development Co., Inc., Jeffrey H. Duvall, Duvall & Son Livestock, Inc., and Louis Steve Duvall, Sr., Docket No. CWA-04-2010-5505, with the Region 4 Regional Hearing Clerk, and served true and correct copies of the same on Judge Barbara Gunning and the attorneys for the parties listed below in the manner indicated:

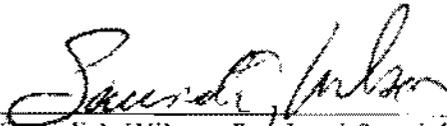
Judge Barbara A. Gunning (Via pouch mail)  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Robert Caplan (Via EPA's Internal Mail)  
Senior Attorney  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Edwin Schwartz, Esq. (Via Certified Mail, Return Receipt Requested)  
Sweetnam & Schwartz, LLC  
Three Ravina Drive  
Suite 1700  
Atlanta, Georgia 30346

C. Allyn Stockton, Jr., Esq. (Via Certified Mail, Return Receipt Requested)  
Stockton & Stockton  
P.O. Box 1550  
Clayton, Georgia 30525

Dated: December 8, 2011

  
Saundi J. Wilson, Paralegal Specialist  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303