

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

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PROTECTION AGENCY

IN RE:)
)
General Motors Automotive-North America) Docket No. RCRA-05-2004-0001
)

MOTION TO WITHDRAW

On January 5, 2009, the former attorneys for Respondent in the above-captioned matter, John M. Kyle III, Esq., and Michael T. Scanlon, Esq., of the law firm BARNES & THORNBURG LLP, filed a motion to withdraw their Appearances on behalf of General Motors Corporation ("GM") in the above-captioned matter. That motion was filed with Regional Hearing Clerk for U.S. EPA Region V as well as the Environmental Appeals Board and a copy of the motion was provided to the Honorable Barbara A. Gunning.

In filing that motion, it was Mr. Kyle's and Mr. Scanlon's intent to be granted permission to withdraw as counsel of record for GM in the above captioned matter by the Honorable Barbara A. Gunning, the presiding Administrative Law Judge for this matter. However, Mr. Kyle and Mr. Scanlon have been informed that their January 5, 2009 motion currently is pending before the Environmental Appeals Board.

Because their original Motion to Withdraw is pending before the Environmental Appeals Board and not this court, Mr. Kyle and Mr. Scanlon have filed a Motion to Withdraw the Motion to Withdraw Filed on January 5, 2009 that is Pending Before the Environmental Appeals Board with the Environmental Appeals Board. By this Motion to Withdraw, Mr. Kyle and Mr. Scanlon respectfully request that this court grant their request to withdraw their Appearances on behalf of GM in the above-captioned matter. We apologize for any confusion that may have occurred.

As stated in their January 5, 2009 motion, Mr. Kyle and Mr. Scanlon have worked with GM's in-house counsel, James P. Walle, Esq., to ensure a smooth transition in this matter. In addition, Mr. Walle is intimately familiar with this matter and has participated in at least two conference calls with the Honorable Barbara A. Gunning and counsel for the United States Environmental Protection Agency concerning the remand of this matter by the Environmental Appeals Board [captioned RCRA (3008) Appeal No. 06-02 before the Environmental Appeal

Board]. GM is aware of and consents to the filing of Mr. Kyle's and Mr. Scanlon's Motion to Withdraw.

Therefore, Mr. Kyle and Mr. Scanlon of the law firm BARNES & THORNBURG LLP respectfully request that this court enter an Order granting this Motion to Withdraw as counsel of record in this matter.

Respectfully submitted,



Michael T. Scanlon, Esq.
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204

Former Counsel for General Motors Corporation

CERTIFICATE OF SERVICE

I hereby certify that on 16th day of January, 2009, service of a true and complete copy of the Motion to Withdraw for John M. Kyle III, Esq. and Michael T. Scanlon, Esq. of the law firm BARNES & THORNBURG LLP was made upon each party or attorney of record herein by first class mail, postage prepaid, addressed to:

James P. Walle, Esq.
General Motors Legal Staff
Mail Code 482-C24-D24
300 Renaissance Center
Detroit, Michigan 48243

Robert J. Martineau, Jr. Esq.
Edward M. Callaway, Esq.
Michelle B. Walker, Esq.
Waller Lansden Dortch & Davis, LLP
511 Union Street, Ste. 2700
Nashville, Tennessee 37219-8966

Mary Leaves, Esq.
Office of General Counsel
U.S. EPA
1200 Pennsylvania Ave., N.W.
Ariel Rios Building, Room No. 7313H
Washington, DC 20460

Christine McCulloch, Esq.
Office of Civil Enforcement
U.S. EPA
1200 Pennsylvania Ave., N.W.
Ariel Rios Building, Room No. 4153B
Washington, DC 20460

Karen L. Peaceman, Esq.
James J. Cha, Esq.
Richard Clarizio, Esq.
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, Region V
77 West Jackson Boulevard
Mail Code C-14J
Chicago, Illinois 60604-3590

Honorable Barbara A. Gunning
Administrative Law Judge
U.S. EPA, Office of Administrative
Law Judge
Franklin Court, Suite 350
1099 14th Street NW

Sonja Brooks-Woodard
Regional Hearing Clerk
U.S. EPA, Region V
77 West Jackson Boulevard, 13th Floor
Mail Code E-13J
Chicago, Illinois 60604-3590


Michael T. Scanlon

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