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BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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

**MOTION TO WITHDRAW THE MOTION TO WITHDRAW  
FILED ON JANUARY 5, 2009 THAT IS PENDING  
BEFORE THE ENVIRONMENTAL APPEALS BOARD**

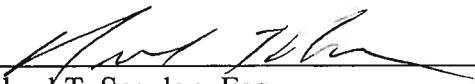
On January 5, 2009, the former attorneys for Respondent in the above-captioned matter, John M. Kyle III, Esq., and Michael T. Scanlon, Esq., of the law firm BARNES & THORNBURG LLP, filed a motion to withdraw their Appearances on behalf of General Motors Corporation ("GM") in the above-captioned matter. 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.

Therefore, Mr. Kyle and Mr. Scanlon respectfully request that the Environmental Appeals Board grant a motion to withdraw their January 5, 2009 motion to withdraw that currently is pending before it. A new Motion to Withdraw has been submitted to the Regional Hearing Clerk for EPA Region V and the Honorable Barbara A. Gunning requesting that court grant their motion to withdraw as counsel of record in this matter. We apologize for any confusion that may have occurred.

Therefore, Mr. Kyle and Mr. Scanlon of the law firm BARNES & THORNBURG LLP respectfully request that the Environmental Appeals Board enter an Order granting this Motion to Withdraw their January 5, 2009 motion to withdraw as counsel of record that currently is pending before the Environmental Appeals Board.

Respectfully submitted,



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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 16<sup>th</sup> day of January, 2009, service of a true and complete copy of the Motion to Withdraw the Motion to Withdraw Filed On January 5, 2009 That Is Pending Before the Environmental Appeals Board 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:

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Honorable Barbara A. Gunning  
Administrative Law Judge  
U.S. EPA, Office of Administrative  
Law Judge  
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Clerk of the Board, Environmental Appeals  
Board (MC 1103B)  
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Michael T. Scanlon