



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of: )
MEDFORD AUTO WRECKERS, ) Docket No. CAA-02-2008-1209
Respondent. )

ORDER GRANTING MOTION TO WITHDRAW AMENDED COMPLAINT

This matter was initiated on June 27, 2008 by the filing of an Administrative Complaint. With the consent of the parties, the matter was referred to Alternative Dispute Resolution by Order dated September 22, 2008 where it has been pending ever since. By Motion dated November 21, 2008, but served December 2, 2008, Complainant moves to withdraw the Complaint in its entirety, without prejudice. The reason given by Complainant is that the Agency has determined not to pursue those claims any further based upon evidence provided to it by the Respondent after the filing of the Complaint. Upon being contacted, Respondent indicated that it consented to the relief sought.

Rule 22.14(d) of the Consolidated Rules of Practice provides as follows:

(d) Withdrawal of the complaint. . . after the filing of an answer, the complainant may withdraw the complaint, or any part thereof, without prejudice only upon motion granted by the Presiding Officer.

40 C.F.R. § 22.14(d).

For the reasons set forth therein, Complainant's unopposed Motion is hereby GRANTED and the Complaint initiating this matter is hereby deemed withdrawn without prejudice.

[Handwritten signature]
Susan L. Biro
Chief Administrative Law Judge

Dated: December 4, 2008
Washington, D.C.

In the Matter of Medford Auto Wreckers, Respondent  
Docket No. CAA-02-2008-1209

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Withdraw Amended Complaint**, dated December 4, 2008, was sent this day in the following manner to the addressees listed below:

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: December 4, 2008

Original and One Copy by Pouch Mail to:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by Pouch Mail to:

John Dolinar, Esquire  
Assistant Regional Counsel  
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290 Broadway, 16<sup>th</sup> Floor  
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Copy by Regular Mail to:

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