

**BEFORE THE  
UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD**

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EPA ENV. APPEALS BOARD

**In the Matter of:**

**John P. Vidiksis  
225 DeVilla Court  
Fayetteville, GA 30214**

**Docket No. TSCA-03-2005-0266**

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**RESPONDENT'S PARTIAL WITHDRAWAL  
OF  
APPELLATE MOTIONS**

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**November 26, 2007**

**Keith A. Onsdorff, Esquire  
225 Windsor Avenue  
Haddonfield, New Jersey 08033  
Attorney for Respondent**

As Complainant has correctly pointed out the missed footnote in the Presiding Officer's Initial Decision which addressed the Complainant's post trial motion to strike, that erroneous but discrete basis for remanding this matter for certification of the trial record is moot, and therefore, hereby withdrawn.

Additionally, however, the Complainant's objection, filed on November 20, 2007, to Appellant's Remand Motion did not address the Respondent's separate motion for a remand to have the Presiding Officer certify the accuracy of the trial transcript. In a phone call on Wednesday, November 21, 2007, counsel for the parties agreed that indeed Judge Moran had not ruled on the Complainant's Motion to correct errors in the trial transcript, and agreed to confer on Monday, November 26, 2007 to discuss a collegial resolution of this issue.

As repeated attempts on this date to reach counsel for Complainant have not been successful, counsel for Respondent deems it necessary and appropriate to address the non-issue of the Motion to Strike immediately, and separately, in order not to unduly burden the E.A.B. with needless motion practice.

Should Complainant concur on the pending proposal to have the parties jointly certify the trial transcript, an Order on Consent or other appropriate memorization of that amicable resolution of the pending Remand Motion will be submitted to the E.A.B.

Respectively submitted,



Keith Onsdorff, Esq.  
Counsel for Respondent

November 26, 2007

**CERTIFICATE OF SERVICE**

Respondent's counsel hereby certifies that the original (and five copies) of this Partial Withdrawal of Motion for a Remand on behalf of Respondent has been filed with the Presiding Officer and the Clerk of the Environmental Appeals Board as follows:

Administrative Law Judge William B. Moran  
U.S. E.P.A.  
ARIEL RIOS BUILDING  
1200 Pa. Avenue, N. W.  
Mail Code 1900  
Washington, D.C. 20460  
(Copy only via regular mail)

Clerk of the Environmental Appeals Board  
Suite 600  
1341 G Street, N.W.  
Washington, D.C. 20005  
(Original and 5 copies via UPS delivery)

Copies of this Partial Withdrawal of Motion have been served upon the Regional Hearing Clerk and counsel for the Complainant as follows:

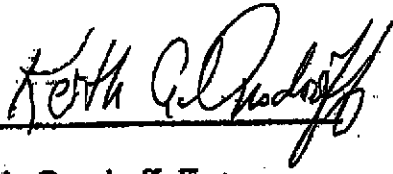
Lydia Guy  
Regional Hearing Clerk  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103

Donzetta W. Thomas, Esq.  
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U.S. EPA - Region III  
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Russell S. Swan, Esq.  
Assistant Regional Counsel  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103

(All Region III recipients served via UPS delivery service.)

Dated: November 26, 2007

By: 

Keith A. Onsdorff, Esq.

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**Five page fax: To Clerk of the EPA E.A.B.  
Confirmation of filing today  
Via Over-nite delivery - UPS  
November 26, 2007**

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ENVIR. APPEALS BOARD

**A Partial Withdrawal of Motion for Remand  
In the Matter of John P. Vidiksis  
Docket No. TSCA -03-2005-0266**

**I am sending your office a courtesy copy of my filing made today in this matter, in an attempt to avoid submission to the Panel of a partially withdrawn motion. Thank you for your attention to this matter.**

**Keith Onsdorff, Esq.  
Counsel for Respondent**