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

In the Matter of: )
Walton CWCA Golden West 70 LLC, )
Respondent. )
Petition for Reimbursement Under Section )
106(b)(2) of the Comprehensive Environmental )
Response, Compensation, and Liability Act of )
1980, as amended (42 U.S.C. § 9601 *et seq.*) )

United States Environmental Protection Agency

EAB Docket No. CERCLA 106(b) 08 03

## MOTION FOR WITHDRAWAL OF PETITION FOR REIMBURSEMENT

)

By order dated April 20, 2009, the United States Environmental Protection Agency, Environmental Appeals Board ("EAB") issued a further stay of proceedings in the above captioned matter, and required a report on the status of settlement negotiations with a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the United States Environmental Protection Agency, Region IX ("Respondent," or "EPA") to provide a substantive response to the Petition for Reimbursement Under Section 106(b)(2) of the Comprehensive Environmental Response, Compensation and Liability Act (the "Petition for Reimbursement") filed by Walton CWCA Golden West 70 LLC ("Petitioner"). The Parties executed a settlement that became effective on May 1, 2009, which resolves the claims underlying the Petition for Reimbursement. Based on this settlement, the Petitioner would withdraw the Petition for Reimbursement and moves the EAB to dismiss the Petition for Reimbursement with prejudice.

Respectfully submitted,

DATED: May //, 2009

GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP

By:

ROGER J. HOLT Attorneys for Walton CWCA Golden West 70 LLC

2

1		PROOF OF SERVICE	
	2	I, Susan Lopez, declare:	
	3	I am a citizen of the United States and employed in Los Angeles County, California. I am	
	4	over the age of eighteen years and not a party to the within-entitled action. My business address	
	5	is 1900 Avenue of the Stars, 21st Floor, Los Angeles, California 90067. On May 11, 2009, I	
	6	served a copy of the within document(s):	
	7		MOTION FOR WITHDRAWAL OF PETITION FOR REIMBURSEMENT
	8 9		by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
5	10 11	×	by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Los Angeles, California addressed as set forth below.
	12 13		by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.
LUS Augeres, Calmonina 2000/	14 .15 16		Andrew Helmlinger, Esq. U.S. EPA Region 9 75 Hawthorne Street San Francisco, CA 94105
	17	I am readily familiar with the firm's practice of collection and processing correspondence	
	18	for mailing.	Under that practice it would be deposited with the U.S. Postal Service on that same
	19	day with postage thereon fully prepaid in the ordinary course of business. I am aware that on	
	20	motion of the party served, service is presumed invalid if postal cancellation date or postage	
	21	meter date is more than one day after date of deposit for mailing in affidavit.	
	22	I declare under penalty of perjury under the laws of the State of California that the above	
	23	is true and correct.	
	24	Executed on May 11, 2009, at Los Angeles, California.	
	25	A starter and	
	26	Susan/Lopez	
	27		· ·
	28		
			PROOF OF SERVICE

GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP 1900 Avenue of the Stars, 21 st Floor Los Angeles, California 90067-4590 1