

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL PROTECTION AGENCY

NOV 18 2008

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In the Matter of:) Docket No. EPCRA-05-2009-0004
)
)
LAD Technology, Inc.) Proceeding to Assess a Civil Penalty
Mayfield Village, Ohio) Under Section 325(c) of the Emergency
) Planning and Community Right-to-Know
Respondent.) Act of 1986, 42 U.S.C. § 11045(c)
_____)

NOTICE OF WITHDRAWAL OF COMPLAINT WITHOUT PREJUDICE

Section 22.14(d) of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation/Termination or Suspension of Permits”


(Consolidated Rules), 40 C.F.R. § 22.14(d) provides that “the complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed.”

EPA filed its Complaint against LAD Technology, Inc., on October 29, 2008. Respondent has not filed an Answer. Pursuant to 40 C.F.R. § 22.14(d), Complainant is withdrawing the Complaint filed in the above-captioned matter without prejudice.

In addition, because a motion is not required by 40 C.F.R. § 22.14(d), by this Notice Complainant also is withdrawing its Motion to Withdraw Complaint without Prejudice, filed November 6, 2008.

Respectfully Submitted,

Date: November 17, 2008


Ann L. Coyle
Associate Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd. (C-14J)
Chicago, Illinois 60604
(312) 886-2248

CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

I certify that on November 18, 2008, I hand-delivered the original and one copy of

Complainant's Notice of Withdrawal of Complaint without Prejudice to:

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Regional Hearing Clerk
U.S. EPA Region 5
77 West Jackson Boulevard (E-13J)
Chicago, Illinois 60604

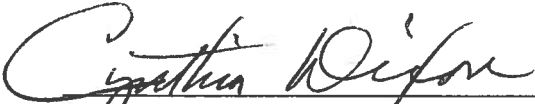
I further certify that on that date, I arranged for a file-stamped copy of Complainant's Notice of Withdrawal of Complaint without Prejudice to be sent via certified mail, return receipt requested, to the Respondent by placement of it in the custody of the United States Postal Service, addressed to:

Ms. Donna Domanovics
LAD Technology, Inc.
730 Beta Drive, Unit B
Mayfield Village, Ohio 44143

I further certify that I hand-delivered a file-stamped copy of the same to:

Marcy Toney
Regional Judicial Officer
U.S. EPA Region 5 (C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Dated: November 18, 2008


Cynthia Dixon, Secretary