

UNITED STATES ENVIROMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF : )  
 )  
Trust No. 98-123, Genghiskhan )  
Xiong, Hu Xiong, Chuhu Xiong, )  
And Maivtshiab Xiong, )  
 )  
Respondents. )

Docket No. TSCA-05-2008-0018  
Proceeding to Assess a Civil Penalty  
under Section 16(a) of the Toxic  
Substances Control Act

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY

RESPONDENTS' ATTORNEY'S MOTION TO WITHDRAW

NOW COMES Dennis J. Kellogg, attorney for Respondents, in support of his Motion to Withdraw as attorney of record and states as follows:

1. That Respondents are natives of Southeast Asia with limited English literacy and fluency.
2. That Respondents' counsel has communicated directly with Respondent Genghiskhan Xiong and through Respondent's family members. Recently, Respondents' counsel learned that Respondent Genghiskhan has had a falling out with his other family members.
3. That due to his limited English understanding and family conflict, Genghiskhan Xiong is not available for communication with counsel due to a significant language barrier.
4. That despite Respondents spending thousands of dollars on property in Chicago, Illinois in order to obtain a set-off from any claimed technical violation, a set-off was not permitted because the improvements allegedly did not meet the hyper-technical requirements.
5. That Respondents have tried to set-up a building project in Milwaukee, Wisconsin for a set-off of claimed fines.
6. That Respondents have requested a financial reduction based upon lack of resources.

7. That numerous documents have been supplied to the Environmental Protection Agency only to be rejected or to result in further requests of additional documentation.

8. That despite numerous attempts by Respondents' counsel to communicate with Respondents, the Respondents have been unresponsive.

9. That despite an offer to sit down with Respondents to fill out all the required paperwork, Respondents have failed to respond.

WHEREFORE, attorney Dennis J. Kellogg, requests that he be permitted to withdraw as attorney of record due to the above mentioned reasons.

Respectfully submitted,



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Dennis J. Kellogg

THE LAW OFFICE OF DENNIS J. KELLOGG  
105 West Madison Street, Suite 1300  
Chicago, Illinois 60602  
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djklawoffice@yahoo.com

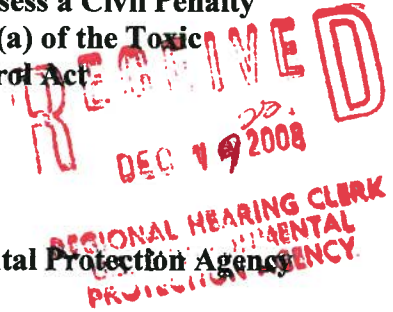
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF :**

**Trust No. 98-123, Genghiskhan  
Xiong, Hu Xiong, Chuhu Xiong,  
And Maivtshiab Xiong,  
Respondents.**

**Docket No. TSCA-05-2008-0010**

**Proceeding to Assess a Civil Penalty  
under Section 15(a) of the Toxic  
Substances Control Act**



**NOTICE OF MOTION & FILING**

**TO: Honorable Barbara A. Gunning  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Mail Code 1900L/Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460**

**U.S. Environmental Protection Agency  
Region 5  
Regional Hearing Clerk (E-13J)  
77 West Jackson Blvd.  
Chicago, Illinois 60604**

**Luis Oviedo  
Associate Regional Counsel  
U.S. EPA Region 5 (C-14J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590**

**Genghiskhan Xiong, Hu Xiong, Chuhu  
Xiong, and Maivtshiab Xiong  
4631 North Kenmore Ave., Apt. 1  
Chicago, Illinois 60640**

**PLEASE TAKE NOTICE** that I, Dennis J. Kellogg, have filed with the Regional Hearing Clerk Respondents' Attorney's Motion to Withdraw.

Dated: December 19, 2008

Dennis J. Kellogg  
105 West Madison, Suite 4300  
Chicago, Illinois 60602  
P: (312) 782-6463  
F: (312) 855-1177

UNITED STATES ENVIROMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF :

Trust No. 98-123, Genghiskhan  
Xiong, Hu Xiong, Chuhu Xiong,  
And Maivtshiab Xiong,

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Docket No. TSCA-05-2008-0010

Proceeding to Assess a Civil Penalty  
under Section 16(a) of the Toxic  
Substances Control Act

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CERTIFICATE OF SERVICE

I, DENNIS J. KELLOGG, certify that today I filed the original and one copy of Respondents' Attorney's Motion to Withdraw and NOTICE OF MOTION with the Regional Hearing Clerk (E-13J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604.

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

I then promptly sent by United States Postal mail a true and accurate copy to:

Honorable Barbara A. Gunning  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Mail Code 1900L/Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

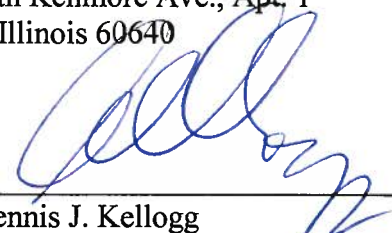
U.S. Environmental Protection Agency  
Region 5  
Regional Hearing Clerk (E-13J)  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

I also mailed a true and accurate copy, by mail, to:

Luis Oveideo  
Associate Regional Counsel  
U.S. EPA Region 5 (C-14J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Genghiskan Xiong, Hu Xiong, Chuhu  
Xiong, and Maivtshiab Xiong  
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Dated: December 19, 2008

  
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