



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
MEHRAN NICHOLAS VALIYI,) Docket No. TSCA-05-2009-0003
)
Respondent.)

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

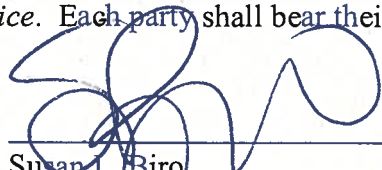
This matter was initiated by Administrative Complaint filed on January 16, 2009. On February 13, 2009, Respondent filed an Answer to the Complaint. By Motion dated June 3, 2009, Complainant moves to withdraw the Complaint without prejudice. Complainant's stated basis for the withdrawal is that it has received documentation evidencing that the Respondent has filed for Chapter 7 bankruptcy protection. The Motion further indicates that the Respondent does not oppose 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 to Withdraw Complaint Without Prejudice is hereby **GRANTED**, and Administrative Complaint filed in this action is deemed withdrawn, *without prejudice*. Each party shall bear their own costs.



Susan L. Biro
Chief Administrative Law Judge

Dated: June 8, 2009
Washington, D.C.

RECEIVED
JUN 10 2009
REGIONAL HEARING CLERK
USEPA
REGION 5

In the Matter of MEHRAN NICHOLAS VALIYL, Respondent
Docket No. TSCA-05-2009-0003

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Withdraw Complaint**, dated June 8, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: June 9, 2009

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60605-3590

Copy By Pouch Mail To:

Mary McAuliffe, Esquire
Office of Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy By Regular Mail To:

Bruce D. Brattain, Esquire
Mario Garcia, Esquire
Brattain & Minnix
Market Square Center, Suite 760
151 N. Delaware Street
Indianapolis, IN 46204

RECEIVED
JUN 10 2009

**REGIONAL HEARING CLERK
USEPA
REGION 5**