

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, NY 10007

IN THE MATTER OF:

CSM Corozal Development, Inc.

Canivette Corporation

LOS PROCERES RESIDENTIAL  
DEVELOPMENT

Respondents

Docket No. CWA-02-2008-3455

**ORDER GRANTING MOTION TO WITHDRAW COMPLAINT AGAINST  
RESPONDENT CANIVETTE CORPORATION**

On November 15, 2012, the Complainant filed a *Motion for EPA to be Allowed to Withdraw Claims Against Respondent Canivette Corporation*. In that Motion, Complainant set forth facts relevant to that Motion, including the fact that, over four years after the issuance of the Complaint, Canivette Corporation (Canivette) has not filed an answer.

40 C.F.R. § 22.14(d) provides:

*Withdrawal of the complaint.* The complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed. After one withdrawal before the filing of an answer, or 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.

Although Canivette never filed an answer to subject complaint, the Undersigned notes that the second Respondent, CSM Corozal Development, Inc. (CSM), did file an answer, and therefore, the Undersigned believes that Complainant was prudent in filing a motion seeking an order from the Undersigned to have the Complaint withdrawn against Canivette.

In light of the above, and the fact that the Complainant and CSM have agreed to terms which settle this matter in full, the Undersigned believes that it is in the best interest of the parties to grant Complainant's motion to withdraw the complaint against Canivette, in order that the remaining parties can proceed with execution of a Consent Agreement/Final Order settling this matter.

**IT IS ORDERED:**

**The Complainant's motion to withdraw the complaint against Respondent Canivette is hereby granted, and the Complainant and the Respondent CSM may proceed with execution and filing of the Consent Agreement/Final Order settling this matter.**

**Dated: November 20, 2012**

  
Helen S. Ferrara  
Presiding Officer

**CERTIFICATE OF SERVICE**

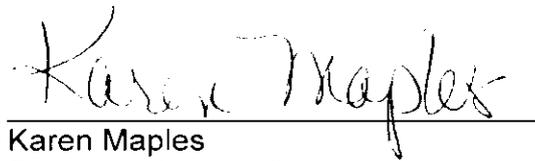
I hereby certify that the **Order Granting Motion To Withdraw Complaint Against Respondent Canivette Corporation** by Regional Judicial Officer Helen Ferrara in the matter of **CSM Corozal Development Inc. Canivette Corporation, Docket No. CWA-02-2008-3455**, was served on the parties as indicated below:

First Class Mail -

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Karen Maples  
Regional Hearing Clerk  
USEPA - Region II

Dated: November 20, 2012