



UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
 DUVALL DEVELOPMENT CO., INC.,)
 JEFFREY H. DUVALL, AND) DOCKET NO. CWA-04-2010-5505
 DUVALL & SON LIVESTOCK, INC.,)
)
 RESPONDENTS)

ORDER ON MOTION TO DISMISS THE AMENDED COMPLAINT
 AGAINST LOUIS STEVE DUVALL, SR.

On May 25, 2011, Complainant filed the Amended Administrative Complaint in this matter, which added two parties to this action: Respondent Duvall & Son Livestock, Inc., and Respondent Louis Steve Duvall, Sr. ("Steve Duvall"). On June 27, 2011, the undersigned issued an Amended Prehearing Order ("Amended PHO"), reminding the parties that the hearing remained scheduled to commence on August 23, 2011.

On July 19, 2011, the parties submitted a Joint Motion for Continuance due to the death of Respondent Steve Duvall on July 13, 2011. The undersigned issued an order on July 20, 2011, postponing the hearing and suspending all prehearing deadlines. On December 8, 2011, Complainant filed a Motion to Dismiss the Amended Complaint Against Louis Steve Duvall, Sr. ("Motion") stating that because EPA does not presently seek "to attach liability to, or to seek penalties from Mr. Duvall, Sr.'s, estate, there is no need or basis for Mr. Duvall, Sr., to remain a named party in this case." Motion at 1. Accordingly, Complainant moves for dismissal of Mr. Louis Steve Duvall, Sr., without prejudice. To date, Respondents have submitted no response to the Motion and are deemed not to oppose it. 40 C.F.R. § 22.16(b). For good cause shown, the unopposed Motion is **GRANTED**. The caption is hereby amended to reflect the removal of the party.



 Barbara A. Gunning
 Administrative Law Judge

Dated: January 19, 2012
 Washington, D.C.