



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Andrew H. Holt and Eleanore F. Holt, ) Docket No. CWA-04-2015-4506  
d/b/a A&E Livestock, )  
)  
Respondents, )

**ORDER GRANTING COMPLAINANT'S MOTION TO WITHDRAW PORTION OF  
COMPLAINT, REINITIATING ALTERNATIVE DISPUTE RESOLUTION, AND  
REAPPOINTING NEUTRAL**

On October 2, 2015, I issued an order initiating Alternative Dispute Resolution (ADR) pursuant to the request of the parties, and designating Judge Barbara A. Gunning as a neutral to conduct the process. On November 24, 2015, following the recommendation of Judge Gunning, I issued an order continuing the ADR process and setting a new termination date of January 4, 2016.

On December 22, 2015, Judge Gunning filed a report recommending the continuation of ADR for an additional month. I approved that continuation, and set a new termination date of February 4, 2016. Judge Gunning's report noted that the parties had reached a settlement in principle, and simply needed additional time to prepare and file a Consent Agreement and Final Order.

On December 30, 2015, the Agency filed a motion seeking to withdraw its complaint, with prejudice, as to Respondent Eleanore Holt. The motion states that while Ms. Holt is a co-owner of A&E Livestock, she was not substantially involved in the operation of the business, and therefore did not participate in the conduct at the center of the complaint. The Agency wishes to maintain the previous complaint as to Respondent Andrew Holt.

The Rules of Practice ("Rules") governing this proceeding states that "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). While the Rules do not discuss withdrawal of the complaint by the Agency *with* prejudice, such a request is unopposed by, and more favorable to, the opposing parties, so I see no reason to deny it. The Agency's motion to withdraw its complaint as to Eleanore Holt is hereby **GRANTED**, and henceforth this case will be limited to Andrew Holt as Respondent.

Finally, because I understand the parties to be preparing a Consent Agreement and Final Order reached through the ADR process, I am hereby reassigning the case to ADR, and redesignating Judge Gunning as neutral. The previous termination date of February 4 will remain in effect.

**SO ORDERED.**



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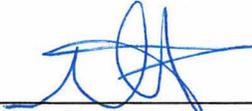
Susan L. Biro  
Chief Administrative Law Judge

Date: January 14, 2016  
Washington, D.C.

In the Matter of Andrew H. Holt and Eleanore F. Holt d/b/a A&E Livestock, Respondent  
Docket No. CWA-04-2015-4506

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Complainant's Motion to Withdraw Portion of Complaint, Reinitiating Alternative Dispute Resolution, and Reappointing Neutral** issued by Chief Administrative Law Judge Susan L. Biro dated January 14, 2016 was served on this day to the addressees listed below:

  
\_\_\_\_\_  
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Dated: January 14, 2016  
Washington, DC