

**BEFORE THE ARKANSAS COMMISSION ON
POLLUTION CONTROL AND ECOLOGY**

IN THE MATTER OF:

DOCKET NO: 23-001-MISC

**MENA SHORT STOP, LLC
420 Highway 71 South
Mena, AR 71653
ID #57000053
LUST #57-0032
AFIN #57-00350**

MOTION TO DISMISS WITHOUT PREJUDICE

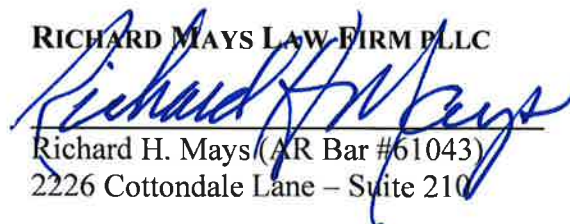
Comes the Petitioner, Mena Short Stop, LLC, and for its Motion to Dismiss Without Prejudice the Request for Adjudicatory Hearing and Commission Review (“the Request”) filed by it herein on June 22, 2023, pursuant to Rule 41 of the Arkansas Rules of Civil Procedure, state:

1. Petitioner moves to dismiss the said Request filed in the above entitled and numbered cause without prejudice.
2. No counterclaim or other claim has been filed herein by the Arkansas Department of Energy and Environment, Division of Environmental Quality, against the Petitioner.

WHEREFORE, Petitioner, Mena Short Stop, LLC, prays that its claims contained in the Request be dismissed without prejudice.

Respectfully submitted,

RICHARD MAYS LAW FIRM PLLC


Richard H. Mays (AR Bar #61043)
2226 Cottondale Lane – Suite 210

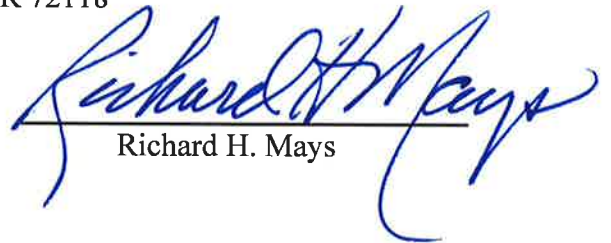
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CERTIFICATE OF SERVICE

The undersigned certifies that on the date set forth below he served a copy of the above and foregoing Motion on counsel for the Division of Environmental Quality by electronic mail and by regular U.S. Mail directed to:

Lara Sargent, Esq.
Department Attorney
Arkansas Department of Energy
and Environment
5301 Northshore Drive
North Little Rock, AR 72118

DATED: August 18, 2023.


Richard H. Mays

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**ORDER GRANTING MOTION TO DISMISS
WITHOUT PREJUDICE**

On the date set forth below comes the Motion to Dismiss Without Prejudice the Request for Adjudicatory Hearing and Commission Review (“the Request”) of the Petitioner, Mena Short Stop, LLC, filed on June 22, 2023, pursuant to Rule 41 of the Arkansas Rules of Civil Procedure; and from the Motion and statements of counsel, the Administrative Law Judge finds that no counterclaim or other claim has been filed herein by the Arkansas Department of Energy and Environment, Division of Environmental Quality, against the Petitioner, and that the Petitioner is entitled to have said motion granted pursuant to Rule 41 of the Arkansas Rules of Civil Procedure.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED THAT the Request for Adjudicatory Hearing and Commission Review filed by Petitioner, Mena Short Stop, LLC, on June 22, 2023, be and the same is hereby dismissed without prejudice.

Dated: August ____, 2023.

Charles Moulton
Administrative Law Judge