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October 8, 2001

Steve Pullen  
New Mexico Environment Department  
P.O. Box 26110  
Santa Fe, New Mexico 87502

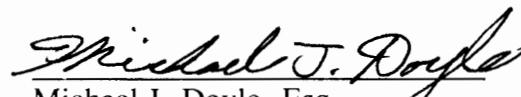
RE: HRM 01-02(P)  
Triassic Park Waste Disposal Facility

Dear Mr. Pullen:

Enclosed please find a copy of Gandy Marley, Inc. 's Motion to Strike Entry of Appearance of CURE and Motion in Limine. Please call me if you have any questions.

Sincerely,

DOLAN & DOMENICI, P.C.

  
Michael J. Doyle, Esq.

Encls. as noted



**STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF ENVIRONMENT**

IN THE MATTER OF THE DRAFT  
FINAL PERMIT FOR THE TRIASSIC  
PARK WASTE DISPOSAL FACILITY  
U.S. EPA NO. NM0001002484

No. HRM 01-02(P)

**MOTION TO STRIKE ENTRY OF APPEARANCE  
OF CURE**

COMES NOW, the applicant, by and through their counsel of record Dolan & Domenici, P.C. (Pete V. Domenici, Jr., Esq.) and moves to strike the entry of appearance and all the pleadings filed by Cure. As grounds therefore states:

1. There is no public record that Cure is a duly associated, organized or recognized legal entity;
2. Upon information and belief, Cure is not incorporated, does not have an association charter, or by-laws, does not have a tax identification number, or other necessary documentation of an organization. Rather, Cure is a non-recognized, unofficial entity which may purport to speak on behalf of individuals without any basis to. The hazardous waste administrative code requires that a "party" be a "person." See 20.NMAC 1.4.I.107(A)(16) (1997). New Mexico's Hazardous Waste Act's definition of "person" states that a "person" is: "any individual, trust, firm, joint stock company, federal agency, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body." See NMSA 1978, § 74-4-3(K) (1992).

3. Applicant requested CURE provide any basis for its association. (Exhibit 1). CURE responded verbally that it was an association but provided no additional information. (Exhibit 2).

**WHEREFORE**, based on the above, the applicant requests that the entry of appearance filed on behalf of Cure be stricken and Cure not be allowed to participate in the proceedings.

Respectfully submitted,

DOLAN & DOMENICI, P.C.



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading was mailed to all counsel listed below this 8 day of October, 2001.

  
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