

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Director of the Manufactured Housing and )  
Modular Units Program of the Missouri )  
Public Service Commission, )

Complainant, )

v. )

Brookside Homes, Inc., )

and )

Steven D. Warren, an individual, )

Respondents. )

**Case No. MC-2009-0020**

**NOTICE OF DISMISSAL OF  
RESPONDENT STEVEN D. WARREN**

**COMES NOW** the Director of the Manufactured Housing and Modular Units Program of Missouri Public Service Commission (Director), by and through counsel, and for his Notice of Dismissal of Respondent Steven D. Warren (Notice) states as follows:

**Background**

On March 3, 2009, the Director filed with the Missouri Public Service Commission (the Commission) the Director's First Amended Complaint against Brookside Homes, Inc. (Brookside) and Steven D. Warren (Warren). On August 25, 2009, the Director filed his Notice of Dismissal of Counts I, II, III, IV, VI, VIII and X, voluntarily dismissing seven (7) of the ten (10) counts then pending against both Brookside and Warren. This dismissal was acknowledged by the Commission in its Notice of Voluntary Dismissal of Counts I, II, III, IV, VI, VIII, and X, issued September 25, 2009.

On August 31, 2009, the Director filed his Motion for Summary Determination on Counts V, VII, and X and Statement of Undisputed Material Facts in Support Thereof (Motion for Summary Determination), as well as his Memorandum in Support of Director's Motion for Summary Determination on Counts V, VII and X (Memorandum in Support). This Motion for Summary Determination and the Memorandum in Support address the three (3) counts that the Director did not dismiss pursuant to his August 25, 2009 filing.

### **Applicable Law**

Commission Rule 4 CSR 240-2.116 provides in relevant part as follows:

(1) An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.

### **Conclusion**

No testimony has been filed and no oral evidence has been offered in this matter. Therefore, pursuant to Commission Rule 4 CSR 240-2.116 the Director voluntarily dismisses the Respondent Steven D. Warren, and only Steven D. Warren, from the counts that remain pending in this action (Counts V, VII, and IX). To be absolutely clear, the Director does not at this time wish to dismiss Brookside Homes, Inc. from these remaining counts. In the alternative, it is the intention of the Director that the Director's Motion for Summary Determination and his Memorandum in Support remain in effect as applied to and against Brookside Homes, Inc.

**WHEREFORE**, the Director submits this notice for the Commission's information and for the purpose of voluntarily dismissing Steven D. Warren from this action.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont

Assistant General Counsel

Missouri Bar No. 60892

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-5472 (Telephone)

(573) 751-9285 (Fax)

[eric.dearmont@psc.mo.gov](mailto:eric.dearmont@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 5<sup>th</sup> day of October, 2009.

/s/ Eric Dearmont