

**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

**DIRECTOR’S NOTICE OF DISMISSAL OF
COUNTS I, II, III, IV, VI, VIII AND X**

COMES NOW the Director of the Manufactured Housing and Modular Units Program of Missouri Public Service Commission (Director), by and through counsel, and for the Director’s Notice of Dismissal of Counts I, II, III, IV, VIII, and X states as follows:

1. 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). The Director’s First Amended Complaint contains allegations in the form of ten (10) counts, styled Count I through Count X. Each of the ten (10) counts contained therein pertains to the individual sale and subsequent setup of ten (10) new manufacture homes, purchased from Brookside Homes, Inc.

2. 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.

3. 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 following counts found in the Director's First Amended Complaint:

COUNT I – The Mills Home

COUNT II – The Van Morelan Home

COUNT III – The Wolff Home

COUNT IV – The Albert Home

COUNT VI – The Hampton Home

COUNT VIII – The Skiles Home

COUNT X – The Daugherty Home

4. The Director intends to proceed with COUNT V – The Cook Home, COUNT VII – The Dement Home, and COUNT IX – The Schmidt Home, and to file a dispositive motion regarding these counts no later than August 31, 2009, in accordance with the Commission's Order Granting Extension of Time, issued July 27, 2009.

WHEREFORE, the Director submits this notice for the Commission's information and for the purpose of voluntarily dismissing from this matter those counts listed above.

Respectfully submitted,

/s/ Eric Dearmont

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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 25th day of August, 2009.

/s/ Eric Dearmont