

Service List

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(Via Email)

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CERTIFICATE OF SERVICE

I, Jason Clark, an Assistant Attorney General, certify that on the 29th day of November, 2023, I caused to be served the foregoing Notice of Filing and Appearance of Jason Clark, on behalf of the People of the State of Illinois and Complainant's Motion for Voluntary Dismissal Without Prejudice, on the parties named on the attached Service List by electronic mail.

/s/ Jason Clark

Jason Clark

Assistant Attorney General

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 22-094
)	(Enforcement - Air)
NORMAN JUNEJO, an individual,)	
)	
Respondent.)	

APPEARANCE

I, Jason Clark, hereby file my appearance on behalf of the People of the State of Illinois, in the above referenced matter.

PEOPLE OF THE STATE OF ILLINOIS,
KWAME RAOUL, Attorney General of the State of
Illinois

By: /s/ Jason Clark
Jason Clark
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2. On June 6, 2023, Respondent's counsel sent Complainant a Stage II Decommissioning Checklist, which stated that on September 8, 2016, B&K Equipment removed all of the existing dispensers at the Facility.

3. On September 8, 2023, Respondent provided documents that confirmed Respondent removed all dispensers at the Facility prior to the December 31, 2016, deadline. Therefore, Respondent was not required to decommission any vapor control and collection systems at the Facility.

4. Section 101.500(a) of the Board's Regulations, 35 Ill. Adm. Code 101.500, provides the following:

The Board may entertain any motion the parties wish to file that is permissible under . . . the Code of Civil Procedure.

5. Section 2-1009(a) of the Code, 735 ILCS 5/2-1009(a) (2022), provides as follows:

The plaintiff may, at any time before trial or hearing begins, upon notice to each party who has appeared or each such party's attorney, and upon payment of costs, dismiss his or her action or any part thereof as to any defendant, without prejudice, by order filed in the cause.

6. As this matter has not yet reached trial, Complainant is authorized by Section 2-1009(a) to dismiss its actions without prejudice.

7. Section 5-117 of the Code, 735 ILCS 5/5-117 (2022), provides, in relevant part, as follows:

In all actions commenced or to be commenced for and on behalf of the people of this state . . . if the action is voluntarily dismissed by the plaintiff . . . the defendant shall not recover any costs whatever.

8. As provided by the plain language of Sections 2-1009(a) and 5-117 of the Code, 735 ILCS 5/2-1009(a) and 5/5-117 (2022), the Complainant requests that the Board grant its

Motion to Voluntarily Dismiss the Complaint without prejudice with the parties to each bear their own costs.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, respectfully requests that the Board enter an order dismissing Complainant's Complaint without prejudice, with both parties to each bear their own costs.

Respectfully submitted,
PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

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