

RECEIVED
CLERK'S OFFICE

NOV 12 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS
Pollution Control Board

MATE TECHNOLOGIES, INC.)

Complainant,)

v.)

F.I.C. AMERICA CORPORATION)


Respondent.)

PCB No. 2004-075
(Enforcement X)

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of:

F.I.C. AMERICA CORPORATION.


By One of its Attorneys

Jeremy A. Gibson
Mitchell S. Gibson
Masuda Funai Eifert & Mitchell
203 N. LaSalle Street, Suite 2500
Chicago, IL 60601
312-245-7500

RECEIVED

CLERK'S OFFICE

NOV 12 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

MATE TECHNOLOGIES, INC.)

Complainant,)

v.)

F.I.C. AMERICA CORPORATION)

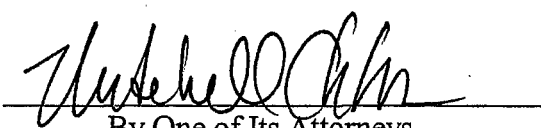
Respondent.)

PCB No. 2004-075
(Enforcement X)

NOTICE OF MOTION

TO: Carey S. Rosemarin
Law Offices of Carey S. Rosemarin, P.C.
500 Skokie Boulevard, Suite 510
Northbrook, IL 60062

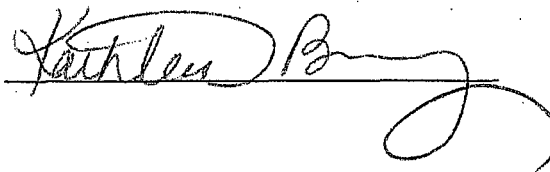
PLEASE TAKE NOTICE that on the 12th day of November, 2003 F.I.C AMERICA CORPORATION, by and through its attorneys, Jeremy A. Gibson and Mitchell Chaban of MASUDA, FUNAI, EIFERT & MITCHELL, LTD., shall file its **RESPONDENT'S MOTION FOR EXTENSION OF TIME** with the Office of the Clerk of the Pollution Control Board, a copy of which is hereby served upon you.


By One of Its Attorneys


Jeremy A. Gibson
Mitchell S. Chaban
MASUDA, FUNAI, EIFERT & MITCHELL, LTD.
203 N.LaSalle Street, Suite 2500
Chicago, Illinois 60601
(312) 245-7500

PROOF OF SERVICE

I, the undersigned, do hereby state on oath that I served the foregoing **NOTICE OF MOTION** upon Carey S. Rosemarin, Law Offices of Carey S. Rosemarin, P.C. 500 Skokie Boulevard, Suite 510, Northbrook, IL 60062 by placing a copy of the same in a properly addressed, postage prepaid, envelopes and depositing the same in the U.S. Mail Chute at One East Wacker Drive, Chicago, Illinois 60601 on this 12th day of November, 2003.

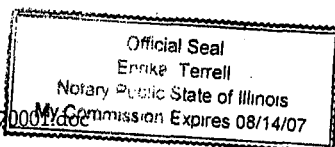


Subscribed and sworn to before me this
12 day of November, 2003.



Notary Public

N:\SYS23\2241\PROFSERV\60070001.doc



RECEIVED
CLERK'S OFFICE

NOV 12 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

MATE TECHNOLOGIES, INC.)	
)	
Complainant,)	
)	
v.)	PCB No. 2004-075
)	(Enforcement X)
F.I.C. AMERICA CORPORATION)	
)	
Respondent.)	

RESPONDENT'S MOTION FOR EXTENSION OF TIME

Respondent, F.I.C. AMERICA CORPORATION, by and through its attorneys, Jeremy A. Gibson and Mitchell S. Chaban of Masuda, Funai, Eifert & Mitchell, Ltd., pursuant to Section 101.522, and for its Motion for Extension of Time, states as follows:

1. Respondent was served with the Complaint in this matter on November 5, 2003. The Complaint asserts nine counts against Respondent for alleged violations of various Illinois environmental laws.

2. Respondent is presently investigating Complainant's allegations and analyzing the applicable law. Respondent anticipates filing a motion pursuant to Section 101.506 attacking the sufficiency of the Complaint with respect to most or all of the nine counts alleged, including for purposes of "frivolous" complaints. Pursuant to Section 101.506, Respondent would have to file said motion by or before December 5, 2003.

3. Due to the following reasons, among others, Respondent will need additional time beyond the 30 days provided for under Section 101.506 to prepare and file the motion to dismiss:

(a) The number of claims asserted in the Complaint;

(b) The legal complexity of the solid waste, hazardous waste, air emission and wastewater discharge statutes and regulations cited in the Complaint;

(c) Counsel for Respondent is in the process of moving its offices during the month of November 2003 and will not have adequate time to prepare the motion within the time provided for under Section 101.506; and

(d) Respondent anticipates providing Complaint landlord an opportunity to inspect the facility of concern in an attempt to resolve any disagreement about its condition.

4. Accordingly, Respondent requests an additional thirty (30) days, through and including January 5, 2004, to file its motion to dismiss.

5. The granting of this request for extension of time will not result in material prejudice to the Complainant.

WHEREFORE, Respondent, F.I.C. AMERICA CORPORATION, respectfully requests the hearing officer to enter an order extending the time for Respondent to file a Motion to Dismiss under Section 101.506 for an additional 30 days through and including January 5, 2004, and for such further relief as is appropriate.

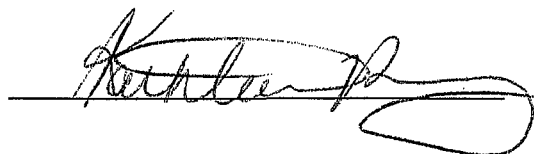
Respectfully submitted,


One of the Attorneys for Respondent


Jeremy A. Gibson
Mitchell S. Chaban
Masuda, Funai, Eifert & Mitchell, Ltd.
One E. Wacker Drive, Suite 3200
Chicago, Illinois 60601

PROOF OF SERVICE

I, the undersigned, do hereby state on oath that I served the foregoing **RESPONDENT'S**
MOTION FOR EXTENSION OF TIME upon Carey S. Rosemarin, Law Offices of Carey S.
Rosemarin, P.C. 500 Skokie Boulevard, Suite 510, Northbrook, IL 60062 by placing a copy of
the same in a properly addressed, postage prepaid, envelopes and depositing the same in the U.S.
Mail Chute at One East Wacker Drive, Chicago, Illinois 60601 on this 12 day of
November, 2003.



Subscribed and sworn to before me this
12 day of November, 2003.



Notary Public

N:\SYS23\2241\PROFSERV\60070001.doc

