

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 04 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

PCB No. 03-191
(Enforcement)

COMMUNITY LANDFILL COMPANY,)

INC., an Illinois corporation, and)

the CITY OF MORRIS, an Illinois)

municipal corporation,)

Respondents.)

NOTICE OF FILING

TO: Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street
20th Floor
Chicago, Illinois 60601

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11
Chicago, Illinois 60601

Charles F. Helsten
Hinshaw & Culbertson, LLP
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389

Scott Belt
Scott Belt and Associates, PC
105 East Main Street
Suite 206
Morris, Illinois 60450

PLEASE TAKE NOTICE that on **August 4, 2005**, the undersigned filed an original and nine copies of RESPONDENT COMMUNITY LANDFILL COMPANY INC.'S MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT AND TO SET A BRIEFING SCHEDULE with Ms. Dorothy Gunn, Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.



One of the Attorneys for Community Landfill Co.

Mark A. LaRose
Clarissa C. Grayson
LAROSE & BOSCO, LTD.
Attorney No. 37346
200 North LaSalle Street, Suite 2810
Chicago, Illinois 60610
(312) 642-4414
(312) 642-0434 (Fax)

THIS FILING IS SUBMITTED ON RECYCLED PAPER.

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PEOPLE OF THE STATE OF ILLINOIS,)
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) (Enforcement)
COMMUNITY LANDFILL COMPANY,)
INC., an Illinois corporation, and)
the CITY OF MORRIS, an Illinois)
municipal corporation,)
)
Respondents.)

**RESPONDENT COMMUNITY LANDFILL COMPANY INC.'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO COMPLAINANT'S MOTION FOR
SUMMARY JUDGMENT AND TO SET A BRIEFING SCHEDULE**

Respondent, Community Landfill Company, Inc., ("CLC" or "Respondent") by and through its attorneys LaRose & Bosco, Ltd., and pursuant to 35 Ill. Adm. Code 101.500(d) moves the Illinois Pollution Control Board for an extension of time to respond to Complainant People of the State of Illinois' ("People" or "Complainant") motion for summary judgment and to set a briefing schedule, and in support thereof, states as follows:

1. Complainant filed a motion for summary judgment on July 21, 2005. Pursuant to 35 Ill. Adm. Code 101.500(d), Respondents' response is to be filed on August 8, 2005, fourteen (14) days after service. The Board rules allow parties to request more time to respond by filing a motion for an extension of time. 35 Ill. Adm. Code 101.500(d).
2. Discovery in this case is still ongoing and is scheduled to be completed by September 25, 2005. All parties previously agreed that discovery would remain open until September 25, 2005 and on July 7, 2005, an agreed proposed discovery schedule was submitted to Hearing Officer

Bradley Halloran. (See Agreed Discovery Schedule, attached as Exhibit A and incorporated herein).

On July 11, 2005, Hearing Officer Bradley Halloran ordered that all discovery in the above matter was to be completed by September 25, 2005. (See Hearing Officer Order, attached as Exhibit B and incorporated herein). The parties also have until August 25, 2005 to disclose any expert witnesses. (See Exhibit B).

3. In a good-faith attempt to reach an agreement, Respondents contacted Complainant by telephone on July 28 and August 2, 2005 to discuss an agreed extension to respond through October 11, 2005, two (2) weeks after Hearing Officer Halloran ordered discovery to remain open. Complainant would not agree, thus necessitating Respondents preparing and filing the present motion.

4. Respondents anticipate the possibility of taking further fact depositions in order to respond to Complainant's motion and the affidavits attached thereto. Respondents cannot yet know whether they will take expert depositions because neither those experts nor the subject matter of their testimony has been disclosed.

5. Because discovery is still ongoing, it is reasonable, just and equitable that Respondents continue conducting discovery as they are entitled to pursuant to the parties' agreement and to the Hearing Officer's order prior to responding to Complainant's motion.

6. Respondents propose that their responses to Complainant's motion for summary judgment be filed on or before October 11, 2005, which is two (2) weeks after the discovery closure date of September 25, 2005. This proposed briefing schedule will allow the current discovery schedule to proceed as agreed to in writing by the parties and as ordered by Hearing Officer Bradley Halloran on July 11, 2005.

WHEREFORE, Respondents respectfully request that the Board enter an order
GRANTING its Motion for an Extension of Time to Respond to Complainant's Motion for
Summary Judgment and require that responses be filed on or before October 11, 2005.

Respectfully submitted,


Attorney for Community Landfill Company

Mark A. LaRose
Clarissa C. Grayson
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Attorney No. 37346
200 North LaSalle Street, Suite 2810
Chicago Illinois 60610
(312) 642-4414
fax (312) 642-0434

Respectfully submitted,


Attorney for City of Morris

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford IL 61105-1389
(815) 490-4906
fax (815) 490-4901

CERTIFICATE OF SERVICE

I, Clarissa C. Grayson, an attorney hereby certify that I served a copy of the foregoing
RESPONDENT COMMUNITY LANDFILL COMPANY INC.'S MOTION FOR EXTENSION
OF TIME TO RESPOND TO COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT
AND TO SET A BRIEFING SCHEDULE by placing the same in the United States Mail, first-
class postage prepaid this 4th day of **August 2005**, addressed as follows:

Mr. Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street
20th Floor
Chicago, Illinois 60601

Mr. Scott Belt
Scott Belt and Associates, PC
105 East Main Street
Suite 206
Morris, Illinois 60450

Mr. Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11
Chicago, Illinois 60601

Mr. Charles F. Helsten
Hinshaw & Culbertson, LLP
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P.O. Box 1389
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One of the Attorneys for Community Landfill Co.

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LAROSE & BOSCO, LTD.

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CLARISSA C. GRAYSON
DAVID KOPPELMAN
JUSTIN E. BURTNETT
LINDA KISSEL

OF COUNSEL

HON. ANTHONY J. BOSCO (Ret.)
JOHN J. ALIOTO**

*ADMITTED IN MICHIGAN ALSO
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Laroseandbosco@aol.com

135 S. WHITTAKER
NEW BUFFALO, MI 49117
(269) 469-8440
FAX (269) 469-8442

July 7, 2005

By U.S. Mail and fax (312) 814-3669
Mr. Bradley Halloran
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago Illinois 60601

Re: **People of the State of Illinois v. Community Landfill Co.
and the City of Morris
PCB 03-191**

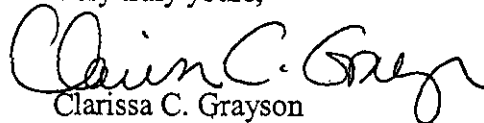
Dear Mr. Halloran:

In regard to the above referenced matter, counsel have agreed to propose the attached discovery schedule.

Please inform counsel for all parties as to whether this schedule is acceptable to you.

Thank you very much. Please contact me if you have any questions.

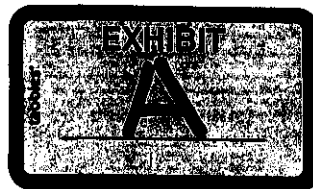
Very truly yours,


Clarissa C. Grayson

CCG/

Enclosure

cc: Charles Helsten
Christopher Grant



THE LAW OFFICES OF
LAROSE & BOSCO, LTD.

MARK A. LAROSE*
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July 6, 2005

By U.S. Mail and Fax (312) 814-2347
Mr. Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street, 20th Floor
Chicago, IL 60601

By U.S. Mail and Fax (815) 490-4901
Mr. Charles Helsten
Hinshaw & Culbertson
100 Park Avenue
Rockford, IL 61105

Re: **People of the State of Illinois v. Community Landfill Company and the City
of Morris
PCB 03-191**

Gentlemen:

Pursuant to the telephone status conference on June 30, 2005 with Hearing Officer
Bradley Halloran, the parties have agreed to submit the following revised discovery schedule:

August 25, 2005	Parties to disclose expert witnesses
September 13, 2005	11:00 a.m. - telephonic status
September 25, 2005	Discovery closure date

If this is your understanding, please sign below where indicated and return a copy by fax
to my attention. I will then forward a fully executed copy to Mr. Halloran.

Thank you. Please call me if you have any questions.

Very truly yours:


Clarissa C. Grayson

By: _____

City of Morris

By: _____


People of the State of Illinois

Christopher Grant, DAG

THE LAW OFFICES OF
LAROSE & BOSCO, LTD.

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July 6, 2005

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 Environmental Bureau
 Assistant Attorney General
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Gentlemen:

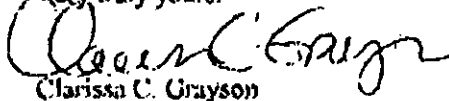
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If this is your understanding, please sign below where indicated and return a copy by fax
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Thank you. Please call me if you have any questions.

Very truly yours:


 Clarissa C. Grayson

By: 

City of Morris

By: _____

People of the State of Illinois

ILLINOIS POLLUTION CONTROL BOARD

July 11, 2005

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

PCB 03-191

(Enforcement - Land)

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INC., and CITY OF MORRIS, an Illinois)
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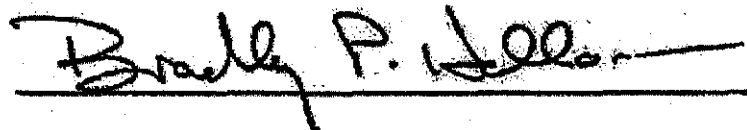
Respondents.)

HEARING OFFICER ORDER

On July 7, 2005, the parties submitted a revised discovery schedule. The revised discovery schedule is accepted to the extent as follows: Parties to disclose expert witnesses on or before August 25, 2005; all discovery must be completed on or before September 25, 2005.

The parties or their legal representatives are directed to participate in a telephonic status conference on September 13, 2005, at 11:00 a.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

