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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 14, 2005

Via Facsimile and U.S. Mail

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. Midwest Grain Products of Illinois, Inc.***
PCB No. 97-179

Dear Clerk Gunn:

Enclosed for filing please find the original and five copies of a NOTICE OF FILING and REQUEST FOR EXTENSION OF TIME IN WHICH TO RESPOND TO RESPONDENT'S MOTION TO STRIKE, AND MOTION FOR STAY OF DISCOVERY SCHEDULE in regard to the above-captioned matter. Please file the original and return a file-stamped copy to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jane E. McBride".

Jane E. McBride
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

JEM:lh
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF
ILLINOIS,

Complainant,

v.

MIDWEST GRAIN PRODUCTS OF
ILLINOIS, INC., an Illinois corporation,

Respondent.

NOV 14 2005

STATE OF ILLINOIS
Pollution Control Board

PCB NO. 97-179
(Enforcement)

NOTICE OF FILING

To: Patrick M. Flachs
John Collins
Husch & Eppenger LLC
190 Carondelet Plaza, Ste. 600
St. Louis, MO 63105

PLEASE TAKE NOTICE that on this date I sent by facsimile pursuant to the Hearing Officer and also mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, REQUEST FOR EXTENSION OF TIME IN WHICH TO RESPOND TO RESPONDENT'S MOTION TO STRIKE, AND MOTION FOR STAY OF DISCOVERY SCHEDULE, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


JANE E. McBRIDE

Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: November 14, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

MIDWEST GRAIN PRODUCTS OF
ILLINOIS, INC.

Respondent.

PCB 97-179
(Enforcement)

STATE OF ILLINOIS
Pollution Control Board

**REQUEST FOR EXTENSION OF TIME IN WHICH TO RESPOND
TO RESPONDENT'S MOTION TO STRIKE, AND
MOTION FOR STAY OF DISCOVERY SCHEDULE**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and respectfully requests a two week extension of time in which to respond to Respondent's Motion to Strike and moves for a stay of the discovery schedule, on the following grounds:

1. On October 17, 2005, a settlement meeting was held in this matter. At the time of the settlement meeting, Complainant counter-proposed and extended a new demand for settlement.
2. Complainant was under the impression the parties were concentrating and focusing upon settlement and was surprised by the filing of Respondent's motion on November 1, 2005.
3. On November 1, 2005, Complainant received a faxed copy of Respondent's Motion to Strike Complainant's Interrogatories.
4. On November 3, 2005, Complainant received Respondent's response to Complainant's recent settlement demand.
5. On November 14, 2005, Complainant received an email inquiry from Respondent requesting a reply to it settlement response. Respondent indicated in its email that its request for a response was motivated by the approaching pending discovery deadline.
6. Complainant requires additional time to both reply to Respondent's settlement

response, as well as respond to the motion to strike. Counsel for Complainant has been obligated by other litigation matters and unable to complete Complainant's response to the motion to strike. Further, Complainant needs to complete additional internal discussion regarding the settlement proposals.

7. Complainant, late on November 10, 2005, received Respondent's second amended interrogatories.

8. Complainant has been diligently working on its response and reply, but the requirement to thoroughly exhaust internal discussions regarding both the particulars of the motion to strike and the pending settlement proposal, which entails consultation with multiple layers of assigned personnel and management, in combination with the large volume of work involved with responding to Respondent's interrogatories now that they are available as well as the press of counsel's other litigation obligations, has resulted in a need for additional time.

WHEREFORE, Complainant respectfully requests an extension of time in which to respond to Respondent's motion to strike and a stay of the pending discovery schedule for a period of two weeks. Should the Hearing Officer grant Complainant's request, Complainant's

response shall be due November 29, 2005, and the new written discovery deadline will be December 28, 2005.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


JANE E. MCBRIDE
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
Dated: November 14, 2005

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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I hereby certify that I did on November 14, 2005, send through facsimile pursuant to the
Hearing Office and also send by First Class Mail, with postage thereon fully prepaid, by
depositing in a United States Post Office Box a true and correct copy of the following
instruments entitled NOTICE OF FILING and REQUEST FOR EXTENSION OF TIME IN
WHICH TO RESPOND TO RESPONDENT'S MOTION TO STRIKE, AND MOTION FOR STAY
OF DISCOVERY SCHEDULE

To: Patrick M. Flachs
John Collins
Husch & Eppenger LLC
190 Carondelet Plaza, Ste. 600
St. Louis, MO 63105
Fax (314) 480-1505

and the original and five copies by facsimile and also by First Class Mail with postage thereon
fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601
Fax (312) 814-3669

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794
Fax (217) 524-8508


JANE E. McBRIDE

Assistant Attorney General

This filing is submitted on recycled paper.



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Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

FAX TRANSMITTAL SHEET

ENVIRONMENTAL BUREAU - SPRINGFIELD
FAX NO. (217) 524-7740

DATE: November 14, 2005
TO: Dorothy Dunn - Pollution Control Board
FAX NO.: 312-814-3669
FROM: Jane Mc Bride
PHONE: 217-782-9031
NUMBER OF PAGES: 7 (INCLUDING THIS PAGE)

IF YOU DO NOT RECEIVE ANY OF THE PAGES PROPERLY, PLEASE CONTACT
SENDER. CALL BACK PERSON AS SOON AS POSSIBLE.

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NOTES: