

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-179
)	(Enforcement- Air)
MIDWEST GRAIN PRODUCTS OF)	
ILLINOIS, INC., an Illinois corporation,)	
)	
Respondent.)	

**RESPONDENT'S MOTION FOR LEAVE TO REPLY TO COMPLAINANT'S
RESPONSE TO RESPONDENT'S MOTION TO STRIKE INTERROGATORIES, OR, IN
THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER LIMITING
INTERROGATORIES TO PREVENT UNDUE EXPENSE AND HARASSMENT**

COMES NOW Respondent, MGP Ingredients of Illinois, Inc., ("MGP" or "Respondent") f/k/a Midwest Grain Products of Illinois, Inc., by and through its attorneys, and requests leave to reply to Complainant's Response to Respondent's Motion to Strike Complainant's Interrogatories. In support of its motion, Respondent states as follows:

1. Respondent's Motion to Strike Complainant's Interrogatories was filed on November 1, 2005. Two weeks later, the Hearing Officer granted Complainant's motion for an extension of time to respond to Respondent's motion to strike. The Hearing Officer set the new response date as November 29, 2005. On November 28, 2005, Respondent received a letter from Complainant addressing, for the first time, the discovery issues raised in Respondent's September 20, 2005 letter. On November 30, 2005, Complainant filed for a one day extension of the response and simultaneously filed its response to Respondent's Motion to Strike Complainant's Interrogatories.

2. Beginning September 20, 2005, through October 14, 2005, Respondent attempted to informally resolve the discovery issues with Complainant on four occasions. Complainant was non-responsive to Respondent's repeated overtures to resolve the discovery issues. On October 25, 2005, Complainant provided a non-substantive response to Respondent's September 20 letter.

Respondent's letters to Complainant and Complainant's response were attached to Respondent's Motion to Strike.

3. Complainant's November 28 letter and its November 30 response have provided Respondent with its first look at Complainant's detailed explanation and reasoning regarding the discovery issues raised by Respondent.

4. Respondent submits that it should be allowed to respond to the substantive portion of Complainant's response as well as correct what it believes are material misstatements and/or mischaracterizations made by Complainant in its November 28 letter and November 30 response.


5. Respondent will suffer prejudice if it is not allowed to respond to the substantive information presented in Complainant's letter and response, and the misstatements and/or mischaracterizations contained therein.

6. In the interest of efficiency and economy of time, Respondent files its reply contemporaneously with this motion for leave.

WHEREFORE, Respondent respectfully requests that the Hearing Officer grant its motion for leave to reply to Complainant's Response to Respondent's Motion to Strike Complainant's Interrogatories.

Respectfully submitted,

HUSCH & EPPENBERGER, LLC

By 
One of its attorneys
on behalf of Patrick
M. Flachs (with consent).

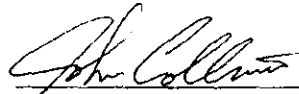
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
(314) 480-1500

CERTIFICATE OF SERVICE

I hereby certify that I did on the 9th day of December, 2005, send a true and accurate copy of RESPONDENT'S MOTION FOR LEAVE TO REPLY TO COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION TO STRIKE INTERROGATORIES, OR, IN THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER LIMITING INTERROGATORIES TO PREVENT UNDUE EXPENSE AND HARASSMENT by first class mail, postage prepaid to:

Jane E. McBride
Assistant Attorney General
Environmental Bureau
500 South Second St.
Springfield, IL 62706

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, IL 62794-9274



Attorney
on behalf of Patrick M. Plachy
(with consent).