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MAY 30 2006


STATE OF ILLINOIS
Pollution Control Board

PCB 04-31

PCB 05-43

(UST Appeal)

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STATE OF ILLINOIS
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1. Respondent filed a Motion for Summary Judgment, along with the Administrative Record in this case, on or about May 8, 2006.
2. Pursuant to this Board's Procedural Rule 101.516 (a), 35 Ill. Adm. Code 101.516(a), Petitioner's response to the motion was due to be filed within fourteen days of service of the Motion for Summary Judgment.
3. At the time of the filing, identified in paragraph 1 above, the hearing officer and counsel for both parties discussed the filings and subsequent proceedings. At that time, Petitioner indicated a likely need for an extension, in order to review the record and respond appropriately to the Motion for Summary Judgment. Both the hearing officer and counsel for Respondent indicated no objection to such a request.
4. At this time, therefore, Petitioner requests an extension of twenty-eight days, to and until June 16, 2006, within which to file its response to the Motion for Summary Judgment. The additional time is necessary to permit counsel to review

the record, assure that no additional materials or information will be necessary for this Board's full review of this case, and marshal all authorities in opposition to the Motion for Summary Judgment. In addition, counsel may file a cross motion within the same time period, all of which is intended to make the most efficient use of this Board's and counsels' resources.

5. This motion is being made in good faith, and not for any dilatory or improper purpose. Allowance of the motion will prejudice no one, but will permit Petitioner to adequately respond to the pending motion and review the late-filed record in this case.

WHEREFORE, Petitioner, BROADUS OIL, requests an extension of time, to and until June 16, 2006, within which to file its response to the Motion for Summary Judgment filed by Respondent herein.

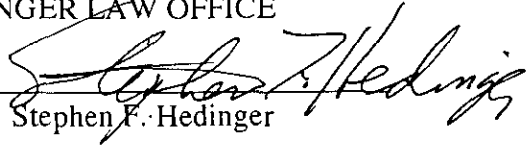
Respectfully submitted,

BROADUS OIL,
Petitioner,

By its attorney,

HEDINGER LAW OFFICE

By


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