

ILLINOIS POLLUTION CONTROL BOARD
February 8, 2010

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STATE OF ILLINOIS
Pollution Control Board

JOSEPH & VICTORIA MORRISSEY,)
)
Complainants,)
)
v.)
)
GEOFF PAHIOS and ALPINE)
AUTOMOTIVE,)
)
Respondents.)
)

PCB 09-10
(Citizens Enforcement – Noise)

ORIGINAL

HEARING OFFICER ORDER

On February 4, 2010, all parties participated in a telephonic status conference with the hearing officer. Discussions centered on the motion in *limine* filed by the respondents. Among other issues raised in the motion, respondents contend that complainant and/or his former attorney informed them that complainant's expert witness, Greg Zak, was not going to testify at the hearing scheduled for February 23, 24 and 25, 2010. Based on this representation, respondents decided not to depose Greg Zak. The complainant stated that he nor his attorney ever represented that Greg Zak was not going to testify.

On February 4, 2010, the hearing officer directed the parties, including complainant's former attorney, John O'Reilly, to file an affidavit supporting the parties' respective positions. The parties were directed to file their respective affidavits on or before February 10, 2010, at 12:00 p.m. The parties were informed the mailbox rule will not apply, and all electronic or approved telefax filings must be received by the Clerk's office no later than 12:00 p.m. on February 10, 2010. The complainant and their former attorney filed their respective affidavits on February 5, 2010.

The parties or their legal representatives are directed to appear at a pre-hearing telephonic conference with the hearing officer on February 16, 2010, at 1:00 p.m. The conference must be initiated by the complainants, but each party is nonetheless responsible for its own appearance. At the 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

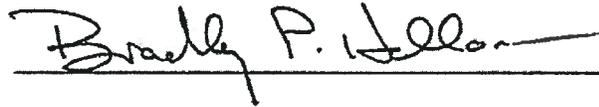
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class on February 8, 2010, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on February 8, 2010:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312.814-8917

PCB 2009-010
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