

ILLINOIS POLLUTION CONTROL BOARD
February 25, 2010

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STATE OF ILLINOIS
Pollution Control Board

JOSEPH & VICTORIA MORRISSEY,)
)
Complainants,)
)
v.) PCB 09-10
) (Citizens Enforcement – Noise)
GEOFF PAHIOS and ALPINE)
AUTOMOTIVE,)
)
Respondents.)
)

ORIGINAL

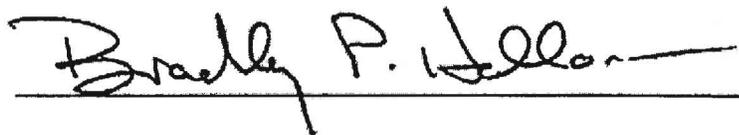
HEARING OFFICER ORDER

On February 4, 2010, all parties participated in a telephonic 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 that 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. The parties were directed to file affidavits, including complainant's former attorney, John O'Reilly, supporting the parties' respective positions. The parties were directed to file their respective affidavits on or before February 10, 2010. The respective affidavits were timely filed.

On February 16, 2010, all parties participated in a telephonic conference to discuss the affidavits and the status of the hearing scheduled for February 23, 24 and 25, 2010. After review of the affidavits, I found that there had been genuine miscommunications between the parties regarding the issue of whether or not Greg Zak was going to testify at the hearing. To that end, the previously scheduled hearing was cancelled. The parties were directed to agree on a date on which Greg Zak would be available for his deposition.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on February 25, 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.

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

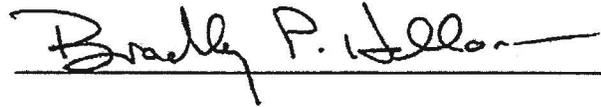
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class on February 25, 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 25, 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
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