ILLINOIS POLLUTION CONTROL BOARD July 1, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 10-72
BYROM WARD d/b/a WARD ELECTRIC,)	(Enforcement)
and TIMOTHY JAMES,)	
Respondents.)	

ORDER OF THE BOARD (by G.T. Girard):

This matter is before the Board on a June 7, 2010, "Motion to Amend Caption" filed by the complainant, People of the State of Illinois (Complainant). For the following reasons, the Board grants the motion.

Complainant states that subsequent to the filing of this action, complainant discovered that one of the respondents was misnamed. Complainant states that the respondent named as "Byron Ward" is properly named "Bryom Ward." Therefore, complainant asks leave to amend the caption and any other portions of the complaint necessary to reflect the proper name of respondent Byrom Ward.

Respondents were served with the motion within a few days of complainant's dispatch of the motion to respondents by U.S. Mail on June 7, 2010. Failure to object within 14 days after service of the motion consitutes waiver of respondents' objection to the granting of the motion. 35 Ill. Adm. Code 101.500(d). The deadline for response on this motion was June 21, 2010. Respondents did not file a response to this motion before the deadline, thereby waiving objection to it.

Section 103.121(b) of the Board's procedural rules provides that "[m]isnomer of a party is not a ground for dismissal; the name of any party may be corrected at any time." 35 Ill. Adm. Code 103.121(b).

The motion is granted. The Clerk of the Board is directed to amend the caption in this matter in accordance with the terms of this order¹.

IT IS SO ORDERED.

¹ The caption of this order has been amended to reflect the adopted correction.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 1, 2010, by a vote of 5-0.

John Therriault, Assistant Clerk

Illinois Pollution Control Board