

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

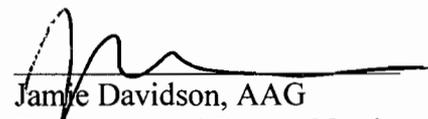
CONGRESS DEVELOPMENT COMPANY,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB No. 13-57
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	(Permit Appeal – Air)
AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that on the 13th day of May, 2013, the undersigned filed Parties' Joint Motion for Extension of Time for Respondent to File Record of Decision or Other Pleading.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By LISA MADIGAN  
Attorney General of the  
State of Illinois

  
Jamie Davidson, AAG  
Environmental Bureau North  
Illinois Attorney General's Office  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago Illinois, 60602  
(312) 814-6986

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

CONGRESS DEVELOPMENT COMPANY, )  
)  
Plaintiff, )  
)  
vs. ) 2013-CH-09852  
)  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and LISA BONNETT, in her )  
Official Capacity as Director of the Illinois )  
Environmental Protection Agency, )  
)  
Defendants. )

**PARTIES' JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANT TO FILE  
AN ANSWER OR A WRITTEN MOTION IN THE CAUSE**

NOW COME, Plaintiff, CONGRESS DEVELOPMENT COMPANY, and Defendants, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and LISA BONNETT, in her Official Capacity as Director of the Illinois Environmental Protection Agency ("Illinois EPA"), by and through their attorney the Illinois Attorney General, and move the Court for an extension of time for the Defendants to File an Answer or a Written Motion in the Cause. The parties state the following in support of this motion:

1. On April 12, 2013, the Plaintiff filed the Complaint in this matter.
2. On an unknown date, the Court issued a Summons to be served on the Illinois EPA, attached to this motion as Exhibit A. The summons was mistakenly served to the wrong entity before it reached the Illinois EPA at a later unknown date. The summons required that the Defendants file an answer in this case or otherwise file an appearance within 35 days after the date of the summons.
3. Section 3-106 of the Code of Civil Procedure, 735 ILCS 5/3-106 (2012) provides as follows:

Appearance of defendants. In any action to review any final decision of any administrative agency, the agency shall appear by filing an answer consisting of a record of the proceedings had before it, or a written motion in the cause or a written appearance.

4. Section 291(c) of the Illinois Supreme Court Rules, S. Ct. Rule 291(c) provides as follows:

The defendant shall appear not later than 35 days after the date the summons bears.

5. The summons in this case does not bear any date of issuance. Out of caution, the Defendants filed an appearance in this matter on May 1, 2013.

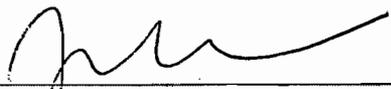
6. Section 183 of the Illinois Supreme Court Rules, S. Ct. Rule 183, provides as follows:

Extensions of Time. The court, for good cause shown on motion after notice to the opposite party, may extend the time for filing any pleading or the doing of any act which is required by the rules to be done within a limited period, either before or after the expiration of time.

7. The Parties are working together toward a resolution to this matter and are endeavoring to conserve the resources of the Illinois EPA, the Illinois Attorney General's Office, and this Court, and direct them in a manner that will result in the most expeditious resolution of this matter. To that end, all parties in this case agree to extend the time for the Defendants to file their Answer or a Motion in the Cause until July 3, 2013.

WHEREFORE, the parties move moves the court to enter an order granting its Motion for Extension of Time to Answer or File a Motion in the Cause.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney  
General of the State of Illinois

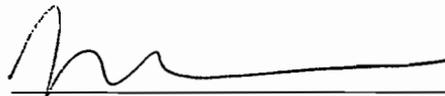
By:   
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Date: May 9, 2013

**CERTIFICATE OF SERVICE**

I, Jamie Davidson, an attorney, do certify that I caused to be served this 14th day of May, 2013, the Parties' Joint Motion for Extension of Time for Respondent to File Record of Decision or Other Pleading, and Notice of Filing, upon the persons listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago, Illinois.



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Jamie Davidson

John Therriault  
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(by electronic filing)

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