

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB No. 10-86
) (Water-Enforcement)
)
ILLINOIS FUEL COMPANY, LLC,)
a Kentucky limited liability company,)
)
Respondent.)

NOTICE OF ELECTRONIC FILING

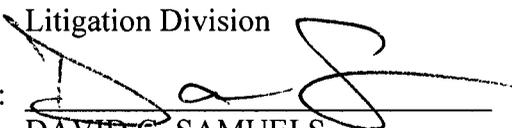
To: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board by electronic filing a MOTION TO STAY PROCEEDINGS, a copy of which is attached hereto and herewith served upon you.

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

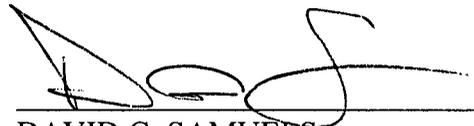
BY:


DAVID G. SAMUELS
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
dsamuels@atg.state.il.us

Dated: November 2, 2015

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the date of October 30, 2015, the attached NOTICE OF ELECTRONIC FILING and MOTION TO STAY PROCEEDINGS upon the persons listed on the Service List by electronic and First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois by the time of 5:00 PM.

A handwritten signature in black ink, appearing to read 'D. G. Samuels', written over a horizontal line.

DAVID G. SAMUELS
Assistant Attorney General

Dated: November 2, 2015

SERVICE LIST

Carol Webb (via Electronic Mail)
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794

Illinois Fuel Company, LLC
c/o CT Corporation System
208 South LaSalle Street, Suite 814
Chicago, Illinois 60604

Illinois Fuel Company, LLC
c/o Stephen Addington
1512 North Big Run Road
Ashland, Kentucky 41102

Cheyenne Resources, Inc. (via Electronic Mail)
c/o Justin L. Leinenweber
Leinenweber Baroni & Daffada LLC
203 N. LaSalle St., Ste. 1620
Chicago, IL 60601

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PEOPLE OF THE STATE OF ILLINOIS,)
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 Complainant,)
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 v.) PCB No. 10-86
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 a Kentucky limited liability company,)
)
 Respondent.)

MOTION TO STAY PROCEEDINGS

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of the State of Illinois, and, pursuant to 35 Ill. Adm. Code 101.514, moves that the above-captioned matter be stayed for thirty (30) days for Complainant to ascertain the possibility of a settlement. In support thereof, Complainant states:

1. On September 17, 2013, counsel for Respondent withdrew his appearance in this proceeding. Since that time, Respondent has not been represented by counsel.
2. Despite Complainant's repeated attempts to locate and contact representatives for Respondent, Respondent has been absent for all subsequent telephonic status conferences conducted on December 16, 2013, March 3, 2014, September 15, 2014, December 15, 2014, March 9, 2015, June 8, 2015, July 29, 2015, and October 26, 2015.
3. On January 21, 2015, Complainant filed a Motion for Summary Judgment, which is currently pending.
4. On October 22, 2015, Complainant was contacted by a non-party to this proceeding, Cheyenne Resources, Inc. ("Cheyenne").

5. Cheyenne asserts that, in July 2015, it assumed from Respondent the lease on one of the mines at issue in this proceeding, the Saline County Mine referenced in Counts I and II of the Complaint.

6. Although not a party to this proceeding, Cheyenne was invited to participate in the telephonic status call on October 26, 2015, during which counsel for Cheyenne stated that it was still in the process of determining what permits were at issue in this proceeding, and what positions it might take with respect to this proceeding.

7. Complainant wishes to determine whether any settlement of the issues in this proceeding may be reached with Cheyenne.

WHEREFORE, for the foregoing reasons, Complainant respectfully requests that the instant proceeding be stayed for thirty (30) days to discuss this matter with Cheyenne.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

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