## ILLINOIS POLLUTION CONTROL BOARD January 8, 2020

JOHNS MANVILLE, a Delaware corporation	n, )	
Complainant,	)	
v.	)	PCB 14-3 (Citizens Enforcement)
ILLINOIS DEPARTMENT OF	)	(Citizens Emoreement)
TRANSPORTATION,	)	
Respondent.	)	

## **HEARING OFFICER ORDER**

On December 24, 2019, the Illinois Department of Transportation (IDOT) filed a motion to reschedule the hearing commencing in Chicago on February 3, 2020. (Mot.). Attached to the motion was an affidavit from Steven Gobelman. (Gobelman Aff.). On December 30, 2019, Johns Manville (JM) filed its response objecting to IDOT's motion. (Resp.).

IDOT states in its motion that its expert Steven Gobelman required surgery because of breaks to his tibia and fibula. Mot. at 2; Gobelman Aff. at 1. Mr. Gobelman states that he was initially told his recovery time would be six weeks, but at the conclusion of the surgery on November 21, 2019, his doctor told him it may take three months to recover. *Id.* Mr. Gobelman continues to follow his doctor's post-operative instructions. Mot. at 2; Gobelman Aff. at 2. Mr. Gobelman states that he has been working at his Springfield, Illinois office with the assistance of his wife driving him to and from his office and a pair of crutches. Gobelman Aff. at 2. Mr. Gobelman is very concerned, however, that travelling to Chicago for the hearing and the possibility of snow and ice could result in reinjuring his leg. *Id.* He requests that the hearing be delayed a couple of weeks, no earlier than February 17, 2020. *Id.* 

JM objects to IDOT's motion and states, among other things, that a motion to reschedule based on speculative concerns about the weather falls short of an adequate reason. Resp. at 1. JM argues that Mr. Gobelman and IDOT offer "no explanation as to how or why a two-week delay would make any difference in the Chicago weather or Mr. Gobelman's ability to travel." Id.

Mr. Gobelman's physician told him on November 21, 2019, that recovery may take upwards to three months which would be approximately February 20, 2020. I find that IDOT's and Mr. Gobelman's request reasonable and not a lack of due diligence. IDOT's motion to reschedule the hearing is granted.

At a January 6, 2020 telephonic status conference, several alternative dates were discussed. The dates are as follows; April 6-10, 2020; April 20-24, 2020; and April 27-May 1, 2020. The parties stated that they will discuss the alternative dates with each other and inform

me of their decision within 7 days.

The parties are directed to advise me of their availability of a telephonic conference call for the week of January 21, 2020. (January 20, 2020 is a holiday).

IT IS SO ORDERED.

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

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## CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on January 8, 2020, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on January 8, 2020:

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

Bradley P. Halloran

Hearing Officer

Illinois Pollution Control Board 100 W. Randolph Street, Suite 11-500

Bradley P. 12000-

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@ Consents to electronic service

## **SERVICE LIST**

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