

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB,)	
)	
Complainant,)	
)	
v.)	
)	
ILLINOIS POWER GENERATING)	PCB No- 19-078
COMPANY, ILLINOIS POWER)	(Enforcement – Water)
RESOURCES GENERATING, LLC,)	
ELECTRIC ENERGY, INC., and VISTRA)	
ENERGY CORP.,)	
)	
Respondents.)	

NOTICE OF FILING:

To:

Brad Halloran, Hearing Officer Illinois
Pollution Control Board James R.
Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-8917
brad.halloran@illinois.gov

Counsel for Respondents:

Daniel J. Deeb (Lead Attorney)
Joshua R. More
Ryan C. Granholm Caitlin M. Ajax
233 South Wacker Drive, Suite 7100
Chicago, IL 60606
Phone: 312-258-5591
Fax: 312-258-5600
cajax@schiffhardin.com

Don Brown, Clerk
Illinois Pollution Control Board James R.
Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
don.brown@illinois.gov

P. Stephen Gidiere III
Balch & Bingham LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 35203-4642
(205) 226-8735
sgidiere@balch.com

Michael L. Raiff
Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201-6912
(214) 698-3350
mraiff@gibsondunn.com

PLEASE TAKE NOTICE that I have filed the following Complainants' Unopposed Motion to Extend the Closure of Fact Discovery and Modify the Discovery Order before the Illinois Pollution Control Board in the above-captioned case today, copies of which are hereby served upon you.

/s/ Greg Wannier
Gregory E. Wannier
Bridget M. Lee
Megan Wachspress
2101 Webster St., Ste. 1300
Oakland, CA 94612
greg.wannier@sierraclub.org
bridget.lee@sierraclub.org
megan.wachspress@sierraclub.org

Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
fbugel@gmail.com

Attorneys for Complainant Sierra Club

Dated: June 24, 2020

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB,)	
)	
Complainant,)	
)	
v.)	
)	
ILLINOIS POWER GENERATING)	PCB No- 19-078
COMPANY, ILLINOIS POWER)	(Enforcement – Water)
RESOURCES GENERATING, LLC,)	
ELECTRIC ENERGY, INC., and VISTRA)	
ENERGY CORP.,)	
)	
Respondents.)	

**UNOPPOSED MOTION TO EXTEND THE CLOSURE OF FACT DISCOVERY
AND MODIFY THE DISCOVERY ORDER**

Complainant Sierra Club, by and through counsel, requests that the Illinois Pollution Control Board Hearing Officer enter an order extending the discovery schedule, by agreement of the Parties. In support of its motion, Sierra Club states the following:

1. On November 19, 2019, the Hearing Officer entered an order (the “November 19 Order”) establishing the fact discovery schedule for both Complainant and Respondents (collectively “the Parties”). Among the dates set was an order establishing the close of fact discovery by July 17, 2020.
2. Since the entry of the November 19 Order, the discovery process has been complicated by numerous factors, including the COVID 19 Pandemic. As a result, Parties do not anticipate that fact discovery can conclude by July 17, 2020.
3. On June 19, 2020, Complainant and Respondents agreed to revise the discovery schedule and extend the close of fact discovery by just over four months, to November 20, 2020. A Proposed Discovery Order is attached.

4. In so agreeing, neither Party is conceding or otherwise adopting any position on whether further delay of this deadline will become necessary.

WHEREFORE, Sierra Club respectfully requests that the Hearing Officer accept the agreed proposed revised fact discovery closure date:

- a. “Close of fact discovery, including depositions of lay or fact witnesses, must be completed on or before November 20, 2020.”

Respectfully submitted this 24th day of June 2020.

/s/ Greg Wannier

Gregory E. Wannier

Bridget M. Lee

Megan Wachspress

2101 Webster St., Ste. 1300

Oakland, CA 94612

greg.wannier@sierraclub.org

bridget.lee@sierraclub.org

megan.wachspress@sierraclub.org

Faith E. Bugel

1004 Mohawk

Wilmette, IL 60091

fbugel@gmail.com

Attorneys for Complainant Sierra Club

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB,)	
)	
Complainant,)	
)	
v.)	
)	
ILLINOIS POWER GENERATING)	PCB No- 19-078
COMPANY, ILLINOIS POWER)	(Enforcement – Water)
RESOURCES GENERATING, LLC,)	
ELECTRIC ENERGY, INC., and VISTRA)	
ENERGY CORP.,)	
)	
Respondents.)	

PROPOSED HEARING OFFICER ORDER

Complainant Sierra Club has submitted an Unopposed Motion to Extend the Closure of Fact Discovery and Modify the Discovery Order. After reviewing the Motion and proposed schedule, the Closure of Fact Discovery Date shall be amended as follows:

- a. Close of fact discovery, including depositions of lay or fact witnesses, must be completed on or before November 20, 2020.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Electronic Filing, Complainants' Unopposed Motion to Extend the Closure of Fact Discovery and Modify the Discovery Order were served to all parties of record listed below by electronic mail on June 24th, 2020.

/s/ David Abell _____

David Abell
Managing Paralegal
Sierra Club
2101 Webster St., Ste. 1300
Oakland, CA 94612
(415) 977-5764
david.abell@sierraclub.org