

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB No-2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondents)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **COMPLAINANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE EXPERT REBUTTAL REPORTS AND TO ADJUST REMAINING SCHEDULE**, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

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Attorney for Sierra Club

Dated: May 5, 2021

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
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SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
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)	(Enforcement – Water)
MIDWEST GENERATION, LLC,)	
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**COMPLAINANTS’ UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
EXPERT REBUTTAL REPORTS AND TO ADJUST REMAINING SCHEDULE**

Complainants Sierra Club, Environmental Law & Policy Center (“ELPC”), Prairie Rivers Network, and Citizens Against Ruining the Environment (“CARE”), by their undersigned counsel, hereby request that the Hearing Officer enter an order granting Complainants’ motion to extend the time to file their Expert Rebuttal Reports by 50 days and also to adjust the subsequent dates remaining in the schedule for this matter.

In support of their Motion, Complainants state as follows:

1. On October 13, 2020, the parties agreed to a discovery schedule for the remedy phase of this lawsuit (“agreed schedule”) and submitted the agreed schedule to Hearing Officer Bradley Halloran. Hearing Officer Halloran accepted the parties agreed schedule in an order dated October 19, 2020.
2. That agreed schedule indicates that Complainants shall submit rebuttal expert reports on May 24, 2021.

3. On May 3, 2021, expert witness for Complainants Mark Quarles communicated to counsel for Complainants that his mother is terminally ill and had been placed in hospice. Mr. Quarles further stated that he would need to take time off beginning immediately, was uncertain of the duration of his leave, and could provide no further details. When counsel for Complainants asked Mr. Quarles how much of an extension to the deadline for his rebuttal reports he thought he needed, he was unable to say. Counsel for Complainants believe it would be disrespectful of Mr. Quarles' need for family leave to question him any further at this time about the duration of his leave.

4. On May 3, 2021, counsel for Complainants communicated by phone with counsel for MWG regarding Mr. Quarles' family situation and the need for an extension to the deadline for rebuttal expert reports. Counsel for Complainants requested a one-month extension, a reasonable time period in light of the uncertainty around the duration of Mr. Quarles' family leave. Complainants also requested that any extension apply to the deadline for both expert rebuttal reports in order to minimize potential scheduling complications. Counsel for both parties agreed that the remainder of the schedule would also need to be adjusted if a one-month extension to rebuttal reports were incorporated.

5. After reviewing the remaining dates in the schedule, and due to the summer holidays, the parties agreed on the following dates for the balance of the schedule: expert rebuttal reports due on July 16; and expert depositions begin on September 1, 2021 and end on October 22, 2021. The additional two weeks for the expert rebuttal reports provide an additional buffer due to the uncertainty of the duration of Mr. Quarles' leave and also allow the parties to work around previously-scheduled summer vacations.

6. There is no hearing scheduled yet for the remedy phase of this proceeding and the

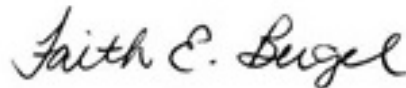
requested extension is moderate, so granting the extension and adjusting the schedule does not prejudice any party.

7. Counsel for MWG communicated to counsel for Complainants that they do not oppose this motion.

WHEREFORE, Complainants respectfully request an extension of time allowing expert rebuttal reports to be due on July 16, 2021, expert depositions to begin on September 1, 2021, and expert depositions to end on October 22, 2021.

Dated: May 5, 2021

Respectfully submitted,



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Attorney for CARE

CERTIFICATE OF SERVICE

The undersigned, Gregory E. Wannier, an attorney, certifies that I have served electronically upon the Clerk and by email upon the individuals named on the attached Service List a true and correct copy of **COMPLAINANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE EXPERT REBUTTAL REPORTS AND TO ADJUST REMAINING SCHEDULE** before 5 p.m. Central Time on May 5, 2021 to the email addresses of the parties on the attached Service List. The entire filing package is 6 pages.

Respectfully submitted

/s/ Gregory E. Wannier

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