

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

RELIABLE STORES, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 19-2  
 ) (UST Appeal)  
 OFFICE OF THE STATE FIRE MARSHAL, )  
 )  
 Respondent. )

**NOTICE OF ELECTRONIC FILING**

To: Patrick D. Shaw Carol Webb  
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Don Brown  
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Chicago, Illinois 60601  
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PLEASE TAKE NOTICE that on the 10th day of June, 2021, I caused to be served with the Clerk of the Illinois Pollution Control Board, Respondent's Unopposed Motion for Extension of Time for Responsive Filing to Petitioner's Motion for Authorization of Payment of Attorney's Fees as Costs of Corrective Action, a true and correct copy of which is attached hereto and is hereby served upon you.

OFFICE OF THE STATE FIRE MARSHAL

By: /s/ Daniel Robertson  
Daniel Robertson  
Assistant Attorney General  
Environmental Bureau  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

RELIABLE STORES, INC.,	)	
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Petitioner,	)	
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v.	)	PCB 19-2
	)	(UST Appeal)
OFFICE OF THE STATE FIRE MARSHAL,	)	
	)	
Respondent.	)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR RESPONSIVE FILING TO  
PETITIONER’S MOTION FOR AUTHORIZATION OF PAYMENT OF ATTORNEY’S  
FEES AS COSTS OF CORRECTIVE ACTION**

Respondent, the OFFICE OF THE STATE FIRE MARSHAL (“OSFM”), by Kwame Raoul, the Attorney General of the State of Illinois, presents its unopposed motion for extension of time for responsive filing to Petitioner’s Motion for Authorization of Payment of Attorney’s Fees as Costs of Corrective Action (“Fees Motion”) and states as follows:

1. On April 10, 2021, the Illinois Attorney General’s Office discovered it was the victim of a ransomware attack which locked all Assistant Attorneys General out of their e-mail.<sup>1</sup>
2. The Illinois Pollution Control Board’s (“Board”) docket reflects that Petitioner filed its Fees Motion on May 5, 2021 and served the motion on the OSFM that same day through e-mail to the OSFM’s counsel in this matter.
3. As of the date of the filing of this motion, the OSFM’s counsel has not regained access to any @atg.state.il.us inbox or archived e-mails.
4. The Illinois Attorney General’s Office collaborated with the Board to update docketed e-mail addresses for each assigned Assistant Attorney General, and the updated e-mail

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<sup>1</sup> Attorney General’s Office Issues Public Notification of Network Compromise, April 29, 2021: [https://illinoisattorneygeneral.gov/pressroom/2021\\_04/20210429.html](https://illinoisattorneygeneral.gov/pressroom/2021_04/20210429.html)

addresses appeared on the Board's website on May 13, 2021.

5. On June 7, 2021, counsel for the OSFM became aware of the Fees Motion during a review of this matter's online case activity.

6. The OSFM requests fourteen days from the date of this motion for it to file a responsive filing to Petitioner's Fees Motion.

7. Section 101.500(d) of the Board procedural rules, 35 Ill. Adm. Code 101.500(d), provides in part:

Within 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party waives objection to the granting of the motion . . .

8. Section 105.522 of the Board procedural rules, 35 Ill. Adm. Code 105.522, provides:

If a party's motion shows good cause, the Board or hearing officer may extend any deadline required by this Part. The motion may be filed either before or after the deadline expires.

9. The Board has regularly found good cause to exercise its discretion to extend deadlines pursuant to 35 Ill. Adm. Code 101.522. *See e.g. People of the State of Illinois v. Michel Grain Company, Inc.*, PCB 96-143, at \*5 (Aug. 1, 1996) (Board finding good cause to allow a late filed motion to dismiss where the respondent claimed delay was caused by change of counsel); *Sierra Club v. Illinois Environmental Protection Agency*, PCB 2015-189, at \*1 (Oct. 6, 2015) (finding good cause for extending deadlines due to busy attorney work schedules).

10. The OSFM would be materially prejudiced if it is unable to respond to the Fees Motion, and seeks this extension in good faith due to the technical difficulties with the OSFM counsel's e-mail.

11. The Board has not yet issued a ruling on the Fees Motion and Petitioner would not

be prejudiced by the granting of an extension to allow the OSFM to appropriately respond to the Fees Motion.

12. On June 9, 2021, the OSFM's counsel reached out via temporary e-mail to inform counsel for Petitioner of the e-mail attack and to request agreement on this extension request. Petitioner has no objection to the requested extension of time.

WHEREFORE, Respondent, the Office of State Fire Marshal, hereby requests that the Board or the Hearing Officer enter an order granting this Unopposed Motion for Extension of Time for Responsive Filing to Petitioner's Motion for Authorization of Payment of Attorney's Fees as Costs of Corrective Action, and grant Respondent fourteen days, up to and including June 24, 2021, to file its response to the Fees Motion.

Respectfully submitted,

OFFICE OF STATE FIRE MARSHAL

By KWAME RAOUL  
Attorney General of the State of Illinois

BY: /s/ Daniel Robertson  
DANIEL ROBERTSON  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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DATE: June 10, 2021

**CERTIFICATE OF SERVICE**

I, DANIEL ROBERTSON, an Assistant Attorney General, do certify that I caused to be served this 10th day of June, 2021, the attached Notice of Electronic Filing and Respondent's Unopposed Motion for Extension of Time for Responsive Filing to Petitioner's Motion for Authorization of Payment of Attorney's Fees as Costs of Corrective Action upon the persons listed on the Notice of Electronic Filing *via email*.

/s/ Daniel Robertson  
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