

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 23-084
	)	(Enforcement-Air)
JOHN C. JUSTICE, d/b/a MICROCOSM,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Persons on Attached Service List

PLEASE TAKE NOTICE that I have today caused to be filed with the Clerk of the Illinois Pollution Control Board by electronic filing the following Appearance of Jason Clark, on behalf of the People of the State of Illinois, and Complainant’s Motion to Voluntarily Dismiss Without Prejudice a true and correct copies of which are attached hereto and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,  
KWAME RAOUL, Attorney General of the State of Illinois

By: /s/ Jason Clark  
Jason Clark  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General’s Office  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
(773) 590-6964  
[Jason.Clark@ilag.gov](mailto:Jason.Clark@ilag.gov)

Date: June 27, 2023

**Service List**

Brad Halloran  
Hearing Officer  
Illinois Pollution Control Board  
60 E. Van Buren, Suite 630  
Chicago, IL 60605  
Brad.Halloran@illinois.gov  
(Via Email)

Barbara M. Justice  
1320 S. 58<sup>th</sup> Court  
Cicero, Illinois 60804  
(Via certified mail)

**CERTIFICATE OF SERVICE**

I, Jason Clark, an Assistant Attorney General, certify that on the 27th day of June, 2023, I caused to be served the foregoing Notice of Filing and Appearance of Jason Clark, on behalf of the People of the State of Illinois and Complainant's Motion to Voluntarily Dismiss, on the parties named on the attached Service List by methods described.

/s/ Jason Clark  
Jason Clark  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(773) 590-6964  
[Jason.Clark@ilag.gov](mailto:Jason.Clark@ilag.gov)

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JOHN C. JUSTICE, d/b/a MICROCOSM,	)	
	)	
Respondent.	)	

**APPEARANCE**

I, Jason Clark, hereby file my appearance on behalf of the People of the State of Illinois, in the above referenced matter.

PEOPLE OF THE STATE OF ILLINOIS,  
KWAME RAOUL, Attorney General of the State of Illinois

By: /s/ Jason Clark  
Jason Clark  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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by KWAME RAOUL, Attorney General	)	
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Complainant,	)	
	)	
v.	)	PCB No. 2023-084
	)	(Enforcement – Air)
JOHN C. JUSTICE, d/b/a MICROCOSM,	)	
	)	
Respondent.	)	

**COMPLAINANT’S MOTION TO VOLUNTARILY DISMISS  
WITHOUT PREJUDICE**

Complainant, PEOPLE OF THE STATE OF ILLINOIS by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), moves the Pollution Control Board (“Board”) to dismiss this action against Respondent, JOHN C. JUSTICE, d/b/a MICROCOSM (“Respondent”), without prejudice and without costs pursuant to Section 101.500(a) of the Board’s General Rules (“General Rules”), 35 Ill. Adm. Code 101.500(a) and Sections 2-1009 and 5-117 of the Illinois Code of Civil Procedure (“Code”), 735 ILCS 5/2-1009 and 5/5-117 (2022).<sup>1</sup> In support thereof, Complainant states as follows:

1. On January 3, 2023, Complainant filed its Complaint for Failure to Timely Submit Complete and Accurate Annual Emissions Reports (“Complaint”) in case no. PCB 2023-084 at the request of the Illinois Environmental Protection Agency (“Illinois EPA”). The Complaint was filed after Respondent failed to respond to the Violation Notice and the Notice of

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<sup>1</sup> The General Rules do not specifically provide for a motion for voluntary dismissal; however, Section 101.100(b) of the General Rules, 35 Ill. Adm. Code 101.100(b) (2020) states: “the Board may look to the Code of Civil Procedure and the Supreme Court Rules for guidance where the Board’s procedural rules are silent.”

Intent to Pursue Legal Action issued by the Illinois EPA on July 15, 2020 and October 26, 2020, respectively.

2. The Complaint alleges that Respondent, as the owner and operator of two (2) coating lines equipped with natural gas-fired curing oven that emit volatile organic materials (“VOM”) at 1699 S. 55<sup>th</sup> Avenue, Cicero, Illinois (“Facility”), failed to timely submit Annual Emission Reports (“AERs”) for the years 2019, 2020, and 2021, in violation of Section 9(a) of the Illinois Environmental Protection Act, 415 ILCS 5/9(a) (2022), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a).

3. On February 24, 2023, Complainant received a copy of John C. Justice’s death certificate from the executor of his estate.

4. On or about March 28, 2023, Illinois EPA confirmed with the Complainant that the Facility was no longer operating.

5. Section 2-1009(a) of the Code, 735 ILCS 5/2-1009(a) (2022), provides as follows:

The plaintiff may, at any time before trial or hearing begins, upon notice to each party who has appeared or each party’s attorney, and upon payment of costs, dismiss his or her action or any party thereof as to any defendant, without prejudice, by order filed in the cause.

6. There are no pending motions for summary judgment regarding the Complaint, and the Board has not set a hearing date.

7. Accordingly, as this matter has not yet gone to hearing, pursuant to Section 2-1009(a) of the Code, 735 ILCS 5/2-1009(a) (2022), the Board may grant Complainant’s Motion to Voluntarily Dismiss this action without prejudice.

8. Section 5-117 of the Code, 735 ILCS 5/5-117 (2022), provides, in relevant part, as follows:

In all actions commenced or to be commenced for and on behalf of the people of this state. . . if the action is voluntarily dismissed by the plaintiff. . . the defendant shall not recover any costs whatever.

9. As provided by the plain language of Sections 2-1009(a) and 5-117 of the Code, 735 ILCS 5/2-1009(a) and 5/5-117 (2022), the Complainant requests that the Board grant its Motion to Voluntarily Dismiss the Complaint without prejudice with the parties to each bear their own costs.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, respectfully requests that the Board enter an order granting Complainant's Motion to Voluntarily Dismiss this action against JOHN C. JUSTICE d/b/a MICROCOSM, without prejudice and without costs.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS  
by KWAME RAOUL,  
Attorney General of the State of Illinois

BY: /s/ Jason Clark  
JASON CLARK  
Assistant Attorney General  
Environmental Bureau  
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