

As established in the Respondent's Motion to Dismiss With Prejudice filed on June 6, 2023, and the Respondent's Brief in Opposition to Complainant's Motion to Amend the Complaint, the Complainant failed to appear at duly noticed telephonic status conferences on February 9, 2023, and April 20, 2023. His disregard of his obligations as the Petitioner are chronic and persistent.

Accordingly, the Respondent respectfully requests that the Board impose sanctions against the Complainant and dismiss the matter on its merits, with prejudice, and in its entirety. The Complainant continues to fail to comply with Hearing Officer Orders and provisions of 35 Ill. Adm. Code 101 through 130, including missing numerous status hearings, failing to initiate any of the hearings, failing to respond to discovery requests, failing to identify and disclose witness, or identify documents supporting his claims, all as required under Illinois law and Scheduling Orders issued by the Hearing Officer. These repeated and continuous failures mean he cannot and has not met his burden of proof or prosecute his case.

The Complainant's failures have caused the Respondent to incur thousands of dollars in legal fees in defense of allegations that do not pass the slightest scrutiny. To continue this matter and continue placing burdens of the Complainant on the Respondent risks the continuous waste of both the Board's time and the Respondent's time and resources.

Dated this 19th day of January 2024.

Respectfully submitted,

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Attorneys for Respondent Horizon Construction Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January 2024, I electronically filed RESPONDENT'S NOTICE OF COMPLAINANT'S FAILURE TO ABIDE BY ILLINOIS POLLUTION CONTROL BOARD ORDERS with the Clerk of the Board using the Clerk's Office On-Line (COOL) EFile system.

The COOL EFile system will send email notification of such filing to:

Complainant: Paul Christian Pratapas

Interested Party: Don Brown, Clerk of the Board



Jon Micah Goeller