

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

REPUBLIC SERVICES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No. 24-65
)	(Third-Party Pollution Control
McLEAN COUNTY, ILLINOIS)	Facility Siting Appeal)
McLEAN COUNTY BOARD, and)	
LAKESHORE RECYCLING)	
SYSTEMS, LLC,)	
)	
Respondents.)	

**RESPONSE TO MOTION FOR EXTENSION OF TIME
TO RESPOND TO DISCOVERY**

Respondents McLean County, Illinois, McLean County Board (the “County”) and Lakeshore Recycling Systems, Inc. (“LRS”), by and through counsel, submit the following Response in opposition to Petitioner’s Motion for Extension of Time to Respond to Discovery.

1. On June 17, 2024, the Illinois Pollution Control Board (the “Board”) entered a Discovery Schedule agreed upon by the parties which set forth the deadlines for written discovery and responses to discovery requests.

2. On June 24, 2024, in accordance with the timelines set forth in the Discovery Schedule, Respondents served on Petitioner Joint Interrogatories and Requests for Production (“RFP”) of Documents (the “Requests”). Based on the agreed upon Discovery Schedule, Petitioner is obligated to respond to the Requests on July 15, 2024.

3. On July 15, 2024, Petitioner filed a Motion for Extension of Time to Respond to Discovery (the “Motion”) for one week, until July 22nd. The Motion should be denied because the parties have mutually agreed upon the timelines set forth in the Discovery Schedule, and the Discovery Schedule is already operating on a compressed timeline due to the hearing scheduled in *two weeks* on July 29-30, 2024.

4. On Friday July 12, 2024 at 4:15 pm, prior to the Monday July 15, 2024 deadline, Petitioner emailed Respondents notifying them of the request for the extension. LRS responded immediately stating that was not acceptable based on the schedule and that it would impede upon other agreed upon deadlines with the upcoming hearing on July 29 and 30th. The County emailed Petitioner on Monday to agree with the objections communicated by LRS to Petitioner and that such an extension would make it very difficult to prepare for hearing and that Mr. Sierra would be out of the office starting Wednesday the 24th and would need this week to review responses and plan for any necessary testimony and exhibits. The Respondents are agreeable to allow production of documents up and until COB on Wednesday, July 17th, but the Responses to Interrogatories and RFPs with the documents identified as responsive to date should be submitted today, July 15, 2024, as agreed upon by all Parties.

5. Granting Petitioner additional time to respond to the Requests will result in unreasonable delay, as Petitioner's belated response will impact other deadlines in the Discovery Schedule. Namely, the deadline for any prehearing motions is July 19, 2024 and responses are due on July 24, 2024. Also, the deadline for final witness disclosures, hearing exhibits and written testimony is also July 22, 2024, one (1) week before the hearing date. Granting Petitioner an additional week to respond until July 22, 2024 to the Requests will significantly impede on these deadlines. The Petitioner's responses are critical to the Respondents' understanding and preparation and presentation of the facts, documents and witnesses that will be presented by the Petitioner at the hearing and Respondents are entitled time to review and respond to such information and file any prehearing motions.

6. Given the compressed schedule, the Board should not grant the Motion as no more time remains for Respondents to review and to be able to prepare fairly for the hearing and file prehearing motions. Granting the Motion will result in unfair prejudice to Respondents due to the

inability to prepare and unreasonable delay to the already agreed upon Discovery Schedule and hearing date.

7. LRS has already waived the decision deadline, and the parties agreed upon a discovery schedule based on the waiver.

For these reasons, Respondents McLean County, Illinois, McLean County Board and Lakeshore Recycling Systems, Inc. request the Board deny or overrule Petitioner's Motion for Extension of Time to Respond to Discovery.

Dated: July 15, 2024

Respectfully submitted,

/s/ Stacy J. Stotts

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CERTIFICATE OF SERVICE

I, Stacy J. Stotts, of the law firm Polsinelli PC herein certify that on July 15, 2024, electronically submitted for filing the foregoing **RESPONSE TO MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY** with the Pollution Control Board by using the Clerk's Office On-Line (COOL) eFile system. I further certify that I served the other parties in this case with a copy of the foregoing document by transmitting the document by e-mail to the parties' representatives, who are identified below, at their designated e-mail addresses of record.

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Stacy J. Stotts

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