

ILLINOIS POLLUTION CONTROL BOARD

ANGELA GRIFFIN AND)	
MICHAEL GRIFFIN,)	
)	
COMPLAINANTS ,)	PCB 2026-042
)	
)	
KNIGHT HAWK COAL, LLC,)	
)	
)	
RESPONDENT.)	

MOTION TO STRIKE OR DISMISS

NOW COMES, Respondent Knight Hawk Coal, LLC by its attorney Reed & Heller, LLC and respectfully requests The Illinois Pollution Control Board to strike or dismiss the “Amended formal Complaint” submitted on March 24, 2026 and in support thereof states:

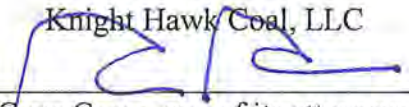
- 1) Complainants submitted a Proposed Formal Complaint on December 15, 2025.
- 2) Respondent filed a Motion to Dismiss on or about January 14, 2026.
- 3) Complainants filed a Response to the Motion to Dismiss on or about January 26, 2026.
- 4) The Board has yet to consider the pending Motion to Dismiss.
- 5) Without leave of the Board and prior to disposition of the pending Motion, on March 24, 2026, Complainants submitted a second Proposed Complaint styled “Amended Formal Complaint”.
- 6) While the Illinois Pollution Control Board is not bound by the Illinois Code of Civil Procedure or the Illinois Supreme Court Rules, it often looks to the Code and Rules for guidance.
- 7) Complainants “Amended Formal Complaint” is clearly duplicitous in that it simply reiterates the same complaints of noise pollution that were contained in the previous, still pending, initial proposed Formal Complaint.
- 8) In Circuit Court proceedings an amended complaint cannot be filed without leave of court. 735 ILCS 5/2-609
- 9) It is unclear if Complainants are now confessing the Motion to Dismiss filed by the Respondent to which they previously objected.

10) Respondent should not be required to respond to duplicitous complaints.

11) Respondent submits that the proper procedure, absent a Motion for Leave to amend, is for the Board to Strike the "Amended Formal Complaint" as duplicitous and rule on the contested pending Motion to Dismiss.

12) If the Board finds that the Motion to Dismiss previously filed should be granted, because its in the nature of the a 2-615 Motion, Complainants would be granted leave to file an amended proposed complaint.

WHEREFORE, the Respondent, Knight Hawk Coal, LLC requests the Board to decline to accept the "Amended Formal Complaint" and strike the document as duplicitous.

By  Knight Hawk Coal, LLC
Gene Gross, one of its attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Motion to Strike or Dismiss on the Complainants at the address listed below by on the of following methods:

U.S. Mail or third-party commercial carrier with a recipient's signature recorded or to be recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. However, the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature is not available to me at this time. On April 13, 2026, by the time of 5:00 P.M. at MURPHYSBORO, ILLINOIS, copies of the attached MOTION TO STRIKE OR DISMISS were provided to the U.S. Postal Service or the third-party commercial carrier, with the Respondent's address appearing on the envelope or package containing these documents, and with proper postage or delivery charge prepaid.

COMPLAINANTS ADDRESS:

Michael and Angela Griffin
4179 New Church Road
Pinckneyville, IL 62274

Attorney for Respondent Signature



Date April 13, 2026
1100 Walnut Street
Murphysboro, IL 62966