

ILLINOIS POLLUTION CONTROL BOARD

February 25, 1993

JOHN ZARLENGA and	)	
JEAN ZARLENGA,	)	
	)	
Complainants,	)	
	)	
v.	)	PCB 92-178
	)	(Enforcement)
BLOMINGDALE PARTNERS, an	)	
Illinois limited partnership,	)	
HOWARD EDISON, BRUCE MCCLAREN,	)	
and GARY LAKEN,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by J. Anderson):

On February 11, 1993, Howard Edison, Bruce McClaren, and Gary Laken (respondents) filed a motion asking the Board to join Bloomingdale Partners, an Illinois limited partnership, as a real party in interest in this matter. The Zarlengas have not yet filed a response to the motion.

On February 4, 1993, and in response to respondents' December 11, 1992 motion to strike or dismiss the complaint, the Board dismissed Partnership Concepts, Cove Development, and Thomas O'Brien from this action on the grounds that none of the parties held any interest in One Bloomingdale Place. In addition, the Board found that the Zarlengas failed to properly serve another named party, Bloomingdale Partners, with its complaint or amended complaint. Accordingly, the Board found that Bloomingdale Partners was not a party to this action and, therefore, dismissed Bloomingdale Partners from the caption of the case.

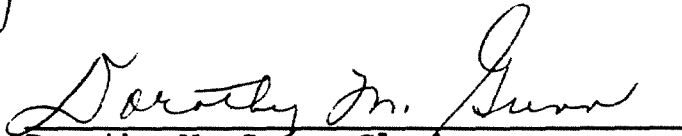
In support of its current motion, respondents assert that Bloomingdale Partners is the owner of record of One Bloomingdale Place and that the Board noted this fact in its May 9, 1991 interim opinion and order in PCB 89-184. Respondents also assert that Bloomingdale Partners, as owner of the building, is the entity with authority to initiate action at One Bloomingdale Place. Respondents note that each of the Board's orders in PCB 89-184 directing respondents to take action to abate noise emissions from One Bloomingdale Place was premised on the conclusion that Bloomingdale Partners was a party to the matter. Respondents add that the interests of Mr. Edison, Mr. McClaren, and Mr. Lakin derive solely from their status as general partners of Bloomingdale Partners. In their individual capacity, the general partners have no authority to initiate action by Bloomingdale Partners, the owner of the building, and the real party in interest in this matter.

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The Board hereby grants respondents' motion to join Bloomingdale Partners as a party in this case. As a result, any future pleadings and motions made on behalf of the Zarlengas must be served on Bloomingdale Partners. The Clerk of the Board is directed to add Bloomingdale Partners, an Illinois limited partnership, to the caption of this case.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 25th day of February, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board