

ILLINOIS POLLUTION CONTROL BOARD  
September 7, 2000

MDI LIMITED PARTNERSHIP #42, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 00-181  
 ) (Enforcement - Citizens, UST)  
 REGIONAL BOARD OF TRUSTEES FOR BOONE AND )  
 WINNEBAGO COUNTIES and BOARD OF )  
 EDUCATION OF BELVIDERE DISTRICT 100, )  
 )  
 Respondents. )  
 )

ORDER OF THE BOARD (by G.T. Girard):

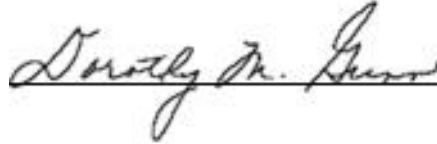
On August 22, 2000, MDI Limited Partnership (complainant) filed a motion for default judgment against one of the respondents, the Board of Education of Belvidere District 100 (Belvidere). On August 28, 2000, Belvidere filed a response in opposition.

The complainant asks for default judgment because Belvidere has failed to answer the complaint. Belvidere responds to the motion by pointing to the Board's rules at 35 Ill. Adm. Code 103.122(d). The Board's rules provided that respondent "may file an answer within 30 days of receipt of complaint. All material allegations of the Complaint shall be taken as denied if not specifically admitted by the answer, or if no answer is filed." 35 Ill. Adm. Code 103.122(d). Belvidere also asserts that it has been actively participating in telephonic conference with the hearing officer and that it was the first party to propound written discovery. For these reasons Belvidere asks the Board to deny the motion for default judgment.

The motion for default judgment is denied. Pursuant to the above-cited Board rule a respondent need not answer a complaint; and if an answer is not filed, all material allegations are deemed denied. Therefore, there are no grounds for a default judgment at this time.

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 7th day of September 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board