

ILLINOIS POLLUTION CONTROL BOARD
October 29, 1987

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complaint,)
)
vs.) PCB 86-51
)
SUPER CONTAINER COMPANY,)
a dissolved Illinois)
corporation, and JOHN J.)
JAGIELLA, d/b/a SUPER)
CONTAINER COMPANY, and)
individually,)
)
Respondents.)

ORDER OF THE BOARD (by J. Anderson):

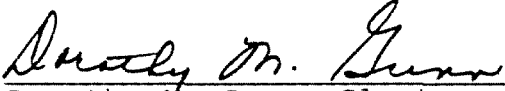
On October 16, 1987, the Agency filed a motion for voluntary dismissal of this action without prejudice. In its motion the Agency noted that a hearing was held on June 29, 1987 at which respondents did not appear, noting also that respondents had never otherwise appeared in this case. However, on July 20, 1987 the Agency discovered that notice to respondents was defective due to improper service of process. The motion further stated that:

In exercise of the prosecutorial discretion afforded the Office of the Attorney General, Petitioner brings present motion in anticipation of a future refiling and to ensure no future jurisdictional attacks.

As respondents have never appeared in this case, the Board finds that there will be no prejudice to them. Accordingly, the Agency's motion for voluntary dismissal of this action without prejudice is hereby granted.

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 29th day of October, 1987, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board