

ILLINOIS POLLUTION CONTROL BOARD  
March 19, 1982

UTE WILLUTZI, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 81-136  
 )  
 VILLAGE OF LOMBARD )  
 and JAMES S. NOBLE, )  
 )  
 Respondents. )

ORDER OF THE BOARD (by J. Anderson):

On February 11, 1982 James Noble moved to dismiss this action, to which Ute Willutzki responded February 19, 1982. The basis for Noble's motion is that he intends to file a new petition for variance, whereafter "the matters prayed for by the complainant herein shall become moot". The Board hereby denies the motion as it will not dismiss a sufficient cause of action based on the mere possibility of the filing of a variance petition, the outcome of which is purely speculative.

Complainant's March 19, 1982 motion to withdraw motion for stay is granted. Hearing shall be scheduled within 14 and held within 45 days of the date of this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19<sup>th</sup> day of March, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board