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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB 96-143
)	(Enforcement - Water)
MICHEL GRAIN COMPANY, INC.,)	
a/k/a MICHEL FERTILIZER, an)	
Illinois Corporation, CARYLE)	
MICHEL and RONNIE TODD,)	
)	
Respondents.)	

MOTION TO STRIKE DISCOVERY REQUEST
PURSUANT TO THE INA FACILITY

Now comes the Respondent, Caryle Michel, d/b/a Michel Fertilizer by his attorney, Douglas A. Antonik, and states the following in support of this Motion .

1. On April 29, 2003, the People of the State of Illinois mailed to Douglas A. Antonik, attorney for Caryle Michel, d/b/a Michel Fertilizer, a Second Request for Production of Documents and a third set of Interrogatories.
2. Pursuant to the agreement with the State of Illinois, the Respondent, Caryle Michel, retested the Ina Facility for contamination as the testing was acceptable to the People of the State of Illinois in determining that no contamination existed at the Ina Facility.
3. Pursuant to the agreement with the State of Illinois, the clean testing of the Ina Facility resolved all litigation with respect to Ina as only the Broughton Facility remained in contention.

4. In the course of these proceedings, the People of the State of Illinois and Respondent, Caryle Michel, d/b/a Michel Fertilizer, through their attorneys, advised the Hearing Officer of the testing of the Ina Facility and its ultimate satisfactory report to the State of Illinois.

5. Respondent, Caryle Michel, d/b/a Michel Fertilizer, moves to strike/objects to all discovery requests as it relates to the Ina Facility as said issues have been resolved.

6. Respondent, Caryle Michel, d/b/a Michel Fertilizer has no objections to the discovery request as it relates to the Broughton Facility.

WHEREFORE, the Respondent, Caryle Michel, d/b/a Michel Fertilizer, requests the Board enter an Order striking and/or restricting the Discovery Request filed upon him by the State as it relates to the Ina Facility.

CARYLE MICHEL, Respondent

BY:


DOUGLAS A. ANTONIK - #06190629

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon:

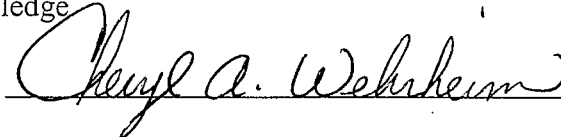
Angela Eaton Hamilton
Assistant Attorney General
500 South Second Street
Springfield, IL 62706

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph
Chicago, IL 60601

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
600 S. Second St., Ste. 402
Springfield, IL 62704

William F. Bonan
P.O. Box 309
McLeansboro, IL 62859

by enclosing in an envelope with postage fully prepaid and by depositing said envelope in a U. S. Post Office mail box in Mt. Vernon, Illinois, on the 16th day of May, 2003. The above is true and correct to the best of the undersigned's knowledge



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