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JUL 14 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

THE HIGHLANDS, LLC; an Illinois limited
liability corporation, MURPHY FARMS, INC.,
a/k/a MURPHY FAMILY FARMS, a North
Caroline corporation, and BION
TECHNOLOGIES, INC., a Colorado corp.,

Respondents.

STATE OF ILLINOIS
Pollution Control Board

PCB NO. 00-104
(Enforcement)

NOTICE OF FILING

To: Mr. Jeffery W. Tock
Harrington, Tock & Royse
201 W. Springfield Ave.
P.O. Box 1550
Champaign, IL 61824-1500

Mr. Charles M. Gering, Esq.
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606-5096

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO RESPOND TO RESPONDENT HIGHLAND'S MOTION FOR SUMMARY JUDGMENT ON COUNT I OF THE AMENDED COMPLAINT, MOTION FOR CONTINUANCE OF STATUS CONFERENCE, AND MOTION FOR EXTENSION OF TIME FOR SUBMISSION OF DISCOVERY SCHEDULE, a copy of which is attached hereto and herewith served upon you.


Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


JANE E. McBRIDE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 10, 2003

CERTIFICATE OF SERVICE

I hereby certify that I did on July 10, 2003, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and COMPLAINANT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO RESPOND TO RESPONDENT HIGHLAND'S MOTION FOR SUMMARY JUDGMENT ON COUNT I OF THE AMENDED COMPLAINT, MOTION FOR CONTINUANCE OF STATUS CONFERENCE, AND MOTION FOR EXTENSION OF TIME FOR SUBMISSION OF DISCOVERY SCHEDULE

To: Mr. Jeffery W. Tock
Harrington, Tock & Royse
201 W. Springfield Ave.
P.O. Box 1550
Champaign, IL 61824-1500

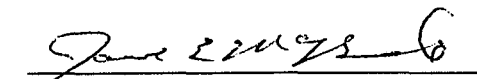
Mr. Charles M. Gering, Esq.
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606-5096

and the original and five copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Mr. Brad Halloran, Hearing Officer
Illinois Pollution Control Board
State of Illinois Center, Ste. 11-500
100 West Randolph
Chicago, IL 60601


Jane E. McBride
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 14 2003

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS

Complainant,

v.

PCB No. 00-104
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited
liability corporation, and MURPHY
FARMS, INC., (a division of MURPHY-
BROWN, LLC, a North Carolina limited
liability corporation, and SMITHFIELD
FOODS, INC., a Virginia corporation).

Respondents.

**COMPLAINANT'S MOTION FOR AN ADDITIONAL EXTENSION OF TIME WITHIN WHICH
TO RESPOND TO RESPONDENT HIGHLAND'S MOTION FOR SUMMARY JUDGMENT
ON COUNT I OF THE AMENDED COMPLAINT, MOTION FOR CONTINUANCE OF STATUS
CONFERENCE, AND MOTION FOR EXTENSION OF TIME FOR SUBMISSION OF
DISCOVERY SCHEDULE**

NOW COMES, Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, and moves the Hearing Officer for an extension of time within which to respond to Respondent's Motion for Summary Judgment on Count I of the Amended Complaint, for continuance of the status conference set for this matter, and for an extension of time within which to submit a proposed discovery schedule, and, in support thereof, states as follows:

1. Complainant received Respondent's Motion for Summary Judgment on Count I of the Amended Complaint on June 17, 2003.
2. On July 2, 2003, the Hearing Officer granted Complainant's Motion for Extension of Time Within Which to Respond to Respondent Highland's Motion for Summary Judgment on Count I of the Amended Complaint, thereby setting the date Complainant's Response is due to on or before July 11, 2003.
3. Although counsel for the Complainant has been working diligently in the

preparation of a response to the motion, Complainant requires additional time to prepare its response.

4. On July 10, 2003, counsel for Complainant discussed her request for additional time with counsel for Respondent Highlands. Mr. Jeffrey W. Tock, counsel for The Highlands, indicated he had no objection to an additional two-week extension of time.

5. Pursuant to Complainant counsel's notes, the Hearing Officer had directed the parties to discuss and submit a discovery schedule prior to the July 15, 2003 status conference. The Complainant requests that this requirement be postponed until at least such time as the Board has issued an order regarding the Respondent's Motion for Summary Judgment. The pending discovery requests that have been served to date are extensive. Counsels' estimations of time needed to complete discovery, thus the substance of the discovery schedule, will be impacted by the Board's decision regarding the pending motion. Counsel for Respondent Highlands concurs with the Complainant's request that submission of a proposed discovery schedule be postponed at this time.

6. Counsel for Complainant also seeks continuance of the status conference scheduled for this matter on July 15, 2003 at 2:30 P.M., for two weeks, to be reset on July 29, 2003, or as soon thereafter as the Hearing Officer is available for said status conference. Counsel for Complainant and counsel for Respondent Murphy have been pursuing settlement discussion. Respondent Murphy has only just recently indicated it is prepared to extend a counter offer. If the status conference were to be continued for two weeks, counsel for the Complainant believes the parties would be in a much better position to report upon the status of settlement discussions and the expected success of said discussions. Counsel for Respondent Highlands has indicated he has no objection to a two-week continuance of the status conference. Counsel for Respondent Murphy was not available to discuss the requests

contained within this motion on July 10, 2003, prior to the filing of this motion.

WHEREFORE, Complainant respectfully requests that the time within which it is required to respond to Respondent's Motion for Summary Judgment on Count I of the Amended Complaint be extended an additional two weeks, through Friday July 25, 2003; that the status conference set for this matter on July 15, 2003 be continued for two weeks; and that the parties be allowed to postpone submission of a proposed discovery schedule until such time as the Board has ruled upon Respondent's pending Motion for Summary Judgment.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. JAMES E. RYAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY:


JANE E. MCBRIDE
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
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