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DEC - 9 2003

STATE OF ILLINOIS  
*Pollution Control Board*

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 5, 2003

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. The Highlands, LLC., et al.***  
**PCB No. 00-104**

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and PROPOSED AGREED DISCOVERY SCHEDULE FOR COMPLAINANT AND RESPONDENT HIGHLANDS in regard to the above-captioned matter. Please file the original and return a file-stamped copy of the document to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, reading "Jane E. McBride", followed by two small "p" characters.

Jane E. McBride  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JEM/pp  
Enclosures

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

DEC - 9 2003

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, PROPOSED AGREED DISCOVERY SCHEDULE FOR COMPLAINANT AND RESPONDENT HIGHLANDS, 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: \_\_\_\_\_

THOMAS DAVIS, Chief  
Assistant Attorney General  
Environmental Bureau

Of Counsel  
Jane E. McBride  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: December 5, 2003

## CERTIFICATE OF SERVICE

I hereby certify that I did on December 5, 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 PROPOSED AGREED DISCOVERY SCHEDULE FOR COMPLAINANT AND RESPONDENT HIGHLANDS

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

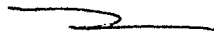
and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601  
(Also by Facsimile (312) 814-3669)

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  
(Also by Facsimile (312) 814-3669)

Of Counsel  
JANE E. McBRIDE  
Assistant Attorney General

  
Thomas Davis, Chief  
Assistant Attorney General  
Environmental Bureau

This filing is submitted on recycled paper.

**RECEIVED**

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

DEC - 9 2003

PEOPLE OF THE STATE OF ILLINOIS

Complainant,

v.

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.

STATE OF ILLINOIS  
*Pollution Control Board*

PCB No. 00-104  
(Enforcement)

**PROPOSED AGREED DISCOVERY SCHEDULE FOR  
COMPLAINANT AND RESPONDENT HIGHLANDS**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and  
Respondent THE HIGHLANDS, LLC and submit the following proposed agreed discovery  
schedule for the continuing litigation between these two parties:

All parties submit responses for  
all outstanding written discovery

March 1, 2004

Complainant shall disclose opinion witnesses  
and opinions

March 1, 2004

Respondent Highlands shall disclose  
opinion witnesses and opinions

April 1, 2004

Depositions completed by all parties

July 1, 2004

All written discovery filed and served

August 1, 2004

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

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

Dated: December 3, 2003

12/4/03

THE HIGHLANDS, LLC

BY:

  
JEFFREY TOCK  
Attorney for The Highlands

Harrington Tock & Royse  
201 W. Springfield Ave.  
Suite 601  
PO Box 1550  
Champaign, IL 61824-1550

Date:

12/4/03