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AUG 20 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
JOHN PRIOR d/b/a PRIOR OIL)
COMPANY and JAMES MEZO d/b/a)
MEZO OIL COMPANY,)
)
Respondents.)

PCB 02-177
(Enforcement - Land, Water)

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

Sally A. Carter, Esq.
Assistant Attorney General
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706
(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of an **ENTRY OF APPEARANCE OF ROBERT B. HOLTSCRAW and MOTION FOR STAY OF FINAL ORDER PENDING DIRECT REVIEW IN APPELLATE COURT** by John Prior, d/b/a Prior Oil Company, copies of which are herewith served upon you.

Respectfully submitted,

JOHN PRIOR, d/b/a PRIOR OIL
COMPANY,
Respondent,

By: Robert B. Holtscraw
One of His Attorneys

Dated: August 18, 2004

Robert B. Holtscraw
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

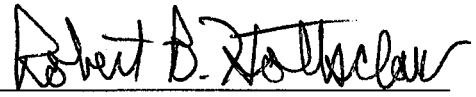
I, Robert B. Holtsclaw, the undersigned, hereby certify that I have served the attached ENTRY OF APPEARANCE OF ROBERT B. HOLTSCRAW and MOTION FOR STAY OF FINAL ORDER PENDING DIRECT REVIEW IN APPELLATE COURT upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Sally A. Carter, Esq.
Assistant Attorney General
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

Mr. James Mezo
418 East Main Street
Post Office Box 220
Benton, Illinois 62812

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois, on August 18, 2004.



Robert B. Holtsclaw

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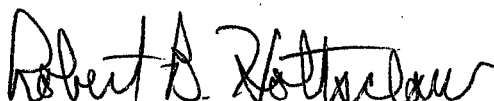
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ENTRY OF APPEARANCE OF ROBERT B. HOLTSCLAW

NOW COMES Robert B. Holtsclaw, of the law firm of HODGE DWYER
ZEMAN, and hereby enters his appearance on behalf of Respondent, JOHN PRIOR,
d/b/a PRIOR OIL COMPANY.

Respectfully submitted,

JOHN PRIOR, d/b/a PRIOR OIL
COMPANY,
Respondent,

By: 
Robert B. Holtsclaw

Dated: August 18, 2004

Robert B. Holtsclaw
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
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PRIR:001/Fil/PCB EOA-RBH

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STATE OF ILLINOIS
Pollution Control Board
PCB 02-177
(Enforcement - Land, Water)

**MOTION FOR STAY OF FINAL ORDER
PENDING DIRECT REVIEW IN APPELLATE COURT**

COMES NOW Respondent, JOHN PRIOR d/b/a PRIOR OIL COMPANY ("Prior"), by and through his attorneys, HODGE DWYER ZEMAN, and hereby moves the Illinois Pollution Control Board ("Board") to stay the effectiveness of the Final Order issued by the Board on July 8, 2004, in this matter, pursuant to Illinois Supreme Court Rule 335.

In support thereof, Prior states as follows:

1. On July 8, 2004, the Board issued a Final Order in this matter, which found that Prior committed 26 violations of the Illinois Environmental Protection Act (415 ILCS 5 (2002)) and ordered him to pay a civil penalty of \$300,000 and the People's attorney fees in the amount of \$6,600.
2. The Board's July 8, 2004, Final Order was served on Prior by Certified Mail on July 19, 2004.
3. Prior will be filing a Petition for Review with the Fifth District Appellate Court on or before August 23, 2004, in order to preserve his right to appeal in this matter.

4. A stay of effectiveness of the Final Order is needed to prevent irreparable harm to Prior and to protect a certain and clearly ascertainable right of the Respondent, the right to appeal Final Orders of the Board.

5. The Board's July 8, 2004, Final Order only required Prior to pay a substantial civil penalty and the attorney fees of the People of the State of Illinois and did not contain a requirement to cease and desist from any actions or perform any actions other than the payment of the civil penalty and attorney fees.

6. The People of the State of Illinois and the environment will not be harmed if a stay is granted.

WHEREFORE, the Respondent, JOHN PRIOR d/b/a PRIOR OIL COMPANY, moves the Illinois Pollution Control Board to grant a stay of the Final Order issued on July 8, 2004, until the Appellate Court's final action in this matter.

Respectfully submitted,

JOHN PRIOR d/b/a PRIOR OIL COMPANY,
Respondent,

By: 
One of His Attorneys

Dated: August 18, 2004

Robert B. Holtsclaw
HODGE DWYER ZEMAN
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PRIR:001/Fil/Motion to Stay - PCB