

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SEP 28 2004

STATE OF ILLINOIS
Pollution Control Board

JERSEY SANITATION CORPORATION,)
 an Illinois corporation,)
)
 Petitioner,)
 v.)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

PCB No. 97-2
(Enforcement)

NOTICE OF FILING AND PROOF OF SERVICE

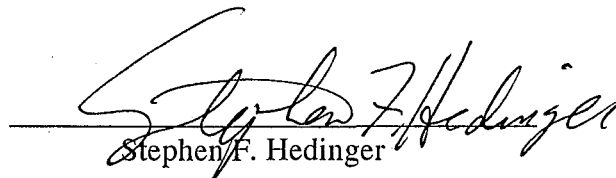
The undersigned certifies that an original and nine copies of the foregoing Motion for Extension of Time to File Response to Motion for Sanctions were served upon the Clerk of the Illinois Pollution Control Board, and one copy to each of the following parties of record in this cause by enclosing same in an envelope addressed to:

Dorothy Gunn, Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St., Suite 11-500
 Chicago, IL 60601

Jane McBride
 Office of Attorney General
 500 South Second Street
 Springfield, IL 62706

Carol Sudman
 Hearing Officer
 Illinois Pollution Control Board
 1021 N. Grand Avenue East
 Springfield, IL 62794

with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on September 24, 2004.



Stephen F. Hedinger

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action, including submitting a new expert opinion, never previously made, just days before the hearing in this matter, and including the submittal of a **138 page** closing brief—nearly **twice** this Board's page limit! Complainant's instant motion has been presented even though to date this Board has never allowed Complainant to file the overstuffed brief, and even though the hearing officer has directed Respondent to submit its responsive brief with a motion for leave to file *instanter*.

3. Respondent requires additional time to fully marshal its arguments and citations in opposition to Complainant's instant motion. A number of previously-scheduled matters have interfered with Respondent's drafting of the response to date, including court appearances, appellate court deadlines, and circuit court pleading deadlines.

4. In addition, over the upcoming week counsel for Respondent will be responsible for filing two additional appellate court pleadings, both of which will require research and record review; counsel also has scheduled the closing discovery activities in a Truth In Lending Act class action lawsuit pending in the U.S. District Court.

5. In consequence of these competing litigation activities, Respondent requests a reasonable extension of less than two weeks, to and until October 6, 2004, to respond to Complainant's motion.

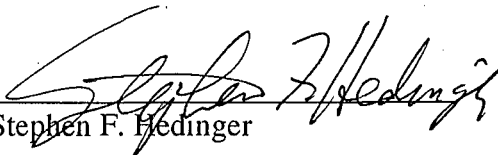
6. The extension requested herein is necessary to provide Respondent adequate opportunity to address the grounds raised in Complainant's motion, and to meet Complainant's arguments which seek to wholly preclude Respondent from directing a closing brief to this Board. Allowance of this motion should have no prejudice on Complainant, but denial will deprive Respondent of a meaningful opportunity to respond to Complainant's motion.

WHEREFORE Respondent, JERSEY SANITATION CORPORATION, requests an extension of time, to and until October 6, 2004, within which to submit its response to the "Motion for Sanctions, Request to Close Records" submitted by Complainant.

Respectfully submitted,

JERSEY SANITATION CORPORATION,
Respondent,

By its attorneys
HEDINGER LAW OFFICE

By: 
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