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JAN 26 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney General of the)
State of Illinois,)

Complainant,)

v.)

EDWARD PRUIM, an individual, and)
ROBERT PRUIM, an individual,)

Respondents.)

PCB No. 04-207
(Enforcement)


NOTICE OF FILING

TO: Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, 11-500
Chicago, IL 60601

Mr. Christopher Grant
Assistant Attorney General
Environmental Bureau
188 W. Randolph, 20th Floor
Chicago, IL 60601

Mr. Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that on January 26, 2005, we filed with the Clerk of the Illinois Pollution Control Board an original and nine copies of **RESPONDENTS' MOTION TO CONSOLIDATE WITH PCB NO. 97-193**, a copy of which is attached and herewith served upon you.



Attorney for Respondent

Mark A. LaRose
Clarissa C. Grayson
Attorney No. 37346
LaRose & Bosco, Ltd.
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

JAN 26 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney General of the)
State of Illinois,)
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Complainant,)
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v.) PCB No. 04-207
)
EDWARD PRUIM, an individual, and)
ROBERT PRUIM, an individual,)
)
Respondents.)

RESPONDENTS' MOTION TO CONSOLIDATE WITH PCB NO. 97-193

RESPONDENTS, ROBERT PRUIM and EDWARD PRUIM, by and through their attorneys LAROSE & BOSCO, LTD. hereby move the Illinois Pollution Control Board to consolidate PCB No. 04-207 with another matter pending before the Board captioned People v. Community Landfill Co., PCB No. 97-193, and in support thereof, state as follows:

1. The Illinois Pollution Control Board ("the Board") has the authority to consolidate proceedings for the purpose of hearing or decision or both. 35 Ill. Adm. Code 101.46. The Board will consolidate proceedings if consolidation is in the interest of convenient, expeditious and complete determination of claims, and if consolidation would not cause material prejudice to any party. The Board will not consolidate proceedings where the burdens of proof vary. 35 Ill. Adm. Code 101.46.

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2. The complaint in the present matter, PCB No. 04-207 contains nineteen (19) counts¹ against Respondents, who are the principals of Community Landfill Co., the respondent in PCB No. 97-193. The factual and legal issues in the complaint in the present matter are identical to those in the Second Amended Complaint in PCB No. 97-193. The only difference between the two complaints is that the allegations are directed toward the principals in PCB No. 04-207 and against the corporation in PCB No. 97-193. The Board routinely grants motions to consolidate where the factual and legal issues are the same. DuPage Publications Co. v. Illinois Environmental Protection Agency, PCB No. 85-70. The burdens of proof are the same as both are enforcement cases.

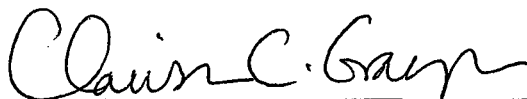
3. PCB No. 97-193 has been the subject of ongoing litigation. The Board has made numerous substantive rulings in this case, including rulings on summary judgment motions brought by both sides. The Board has ruled in favor of CLC on four (4) counts, thereby dismissing them. Liability against CLC is still at issue in seven (7) counts. It is anticipated that similar motions will be brought by both parties in PCB No. 04-207. When that process is completed, the matters will be ready to proceed to hearing. If the related matters are consolidated, where similar if not identical witness and expert testimony will need to be heard by the Board only once instead of twice. The same holds true for documentary evidence which the Board would need to review only once instead of twice.

4. Neither party will be prejudiced by consolidating these matters. However, if the matters are not consolidated, both sides would be prejudiced, particularly respondents, if required to duplicate their efforts by having to present the same evidence twice.

¹ Count XI of PCB No. 04-207 was dismissed by the Board on November 4, 2004

WHEREFORE, Respondents ROBERT PRUIM and EDWARD PRUIM respectfully request that the Board grant their Motion to Consolidate People v. Edward Pruim and Robert Pruim, PCB No. 04-207, with People v. Community Landfill Co., PCB No. 97-193.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Clarissa C. Grayson", written over a horizontal line.

One of Respondent's attorneys

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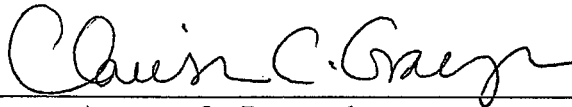
CERTIFICATE OF SERVICE

The undersigned, an attorney, on oath states that she caused to be served a copy of the foregoing **RESPONDENTS' MOTION TO CONSOLIDATE WITH PCB NO. 97-193** to the following parties of record, by hand delivery this 26TH day of January, 2005:

Mr. Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street, 20th Floor
Chicago, IL 60601

Mr. Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
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