

ILLINOIS POLLUTION CONTROL BOARD

March 30, 2005

FREEDOM OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 03-54
)	PCB 03-56
ILLINOIS ENVIRONMENTAL)	PCB 03-105
PROTECTION AGENCY,)	PCB 03-179
)	PCB 04-2
Respondent.)	(UST Appeal)
)	(Consolidated)

HEARING OFFICER ORDER

On March 30, 2005, respondent filed a motion for continuance of the hearing and for an extension of time to file the administrative record and discovery responses. Respondent's attorney states that he has just returned from a family leave of absence, and requests an extension of time until April 1, 2005, to file the record and discovery responses. Petitioner does not plan to file a response to the motion, but generally objects to respondent's delays in resolving this matter.

Additionally, on March 23, 2005, petitioner filed a motion for default judgment, or in the alternative, to prohibit the introduction of evidence. Respondent's response is due April 6, 2005. Petitioner further plans to file a motion for summary judgment within the next several days as an alternative to the motion filed on March 23, 2005.

Respondent's motion is granted. The hearing scheduled for April 6, 2005, is cancelled, and the administrative record and discovery responses are due by April 1, 2005. Postponing the hearing will give petitioner time to review the record and discovery responses, and will give the Board an opportunity to rule on petitioner's motions. The case will be set for hearing, if necessary, after the Board rules on the motions.

The parties are directed to participate in a telephone status conference with the hearing officer at 10:00 a.m. on April 22, 2005. The status conference shall be initiated by the petitioner.

Petitioner filed an open waiver of the decision deadline in this matter.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Carol Webb". The signature is written in a cursive, slightly slanted style.

Carol Webb
Hearing Officer
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