

MAY 18 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
)	PCB 96-98
)	
v.)	Enforcement
)	
)	
SKOKIE VALLEY ASPHALT, CO., INC.,)	
EDWIN L. FREDERICK, JR., individually and as)	
owner and President of Skokie Valley Asphalt)	
Co., Inc., and RICHARD J. FREDERICK,)	
individually and as owner and Vice President of)	
Skokie Valley Asphalt Co., Inc.,)	
Respondents)	

RESPONDENTS' MOTION TO STRIKE
COMPLAINANT'S INTERROGATORIES, DOCUMENT REQUEST AND
DEPOSITION NOTICES TO RESPONDENTS
REGARDING COMPLAINANT'S FEE PETITION

The Respondents, SKOKIE VALLEY ASPHALT, CO., INC., EDWIN L. FREDERICK, JR., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and RICHARD J. FREDERICK, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc., by and through its attorney, David S. O'Neill, herein move this Board to strike the Complainant's Interrogatories, Document Requests and Deposition Notices to Respondents Regarding Complainant's Fee Petition that was filed with the Board on April 25, 2005 and in support thereof states as follows:

1. On April 7, 2005, the Board issued an Order in the above captioned matter. In this Order, the Board granted the Respondents' motion for extension of time to allow for limited discovery.
2. The Order specifically states that "the Board will grant the respondents additional time in

order to conduct discovery..." Order of April 7, 2005 at 3. In the Conclusion of the Order, the Board "grants respondents' motion for extension of time and authorizes respondents to conduct discovery on the attorney fees issue". Id at 4.

3. At no point in the Order of April 7, 2005 did the Board grant the Complainant additional time to conduct discovery.
4. There have three separate discovery schedules for this matter and the Respondents have responded fully to all previous request. for discovery served upon the Respondents and the deposition of the Respondents have been taken.
5. On April 25, 2005, the Complainants filed with the Board and served upon the Complainants' attorney a "Complainant's Interrogatories, Document Requests and Deposition Notice to Respondents Regarding Complainant's Fee Petition".
6. The Complainant has not been authorized to conduct discovery and has no legal basis for which to do so.
7. The Respondents have no legal obligation to respond to Complainant's discovery and do not desire to do so on a voluntary basis.

Wherefore, the Respondents respectfully request that the Board strike the Complainant's Interrogatories, Document Requests and Deposition Notices to Respondent Regarding Complainant's Fee Petition.

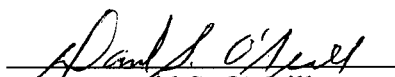

David S. O'Neill

David S. O'Neill, Attorney at Law
5487 N. Milwaukee Avenue
Chicago, Illinois 60630-1249
(773) 792-1333

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached RESPONDENTS' MOTION TO STRIKE COMPLAINANT'S INTERROGATORIES, DOCUMENT REQUEST AND DEPOSITION NOTICES TO RESPONDENTS REGARDING COMPLAINANT'S FEE PETITION by hand delivery on May 18, 2005, upon the following party:

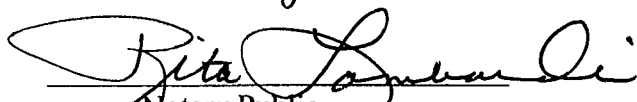
Mitchell Cohen
Environmental Bureau
Assistant Attorney General
Illinois Attorney General's Office
188 W. Randolph, 20th Floor
Chicago, IL 60601


David S. O'Neill

NOTARY SEAL

SUBSCRIBED AND SWORN TO ME this 18th

day of May, 20 05


Notary Public



RECEIVED
CLERK'S OFFICE

MAY 18 2005

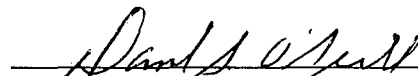
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Skokie Valley Asphalt Co., Inc.,)
Respondent)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the RESPONDENTS' MOTION TO STRIKE COMPLAINANT'S INTERROGATORIES, DOCUMENT REQUEST AND DEPOSITION NOTICES TO RESPONDENTS REGARDING COMPLAINANT'S FEE PETITION, a copy of which is hereby served upon you.


David S. O'Neill

May 18, 2005

David S. O'Neill, Attorney at Law
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Chicago, IL 60630-1249
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