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AUG 04 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Midwest Generation EME, LLC,)	
Petitioner)	PCB 04-216
)	Trade Secret Appeal
v.)	
)	
Illinois Environmental Protection Agency,)	
Respondent)	

NOTICE OF FILING

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Sheldon A. Zabel
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Brad Halloran
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Keith Harley
Annie Pike
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205 West Monroe, 4th Floor
Chicago, Illinois 60606

Please take notice that today we have filed with the Office of the Clerk of the Pollution Control Board an original (1) and nine (9) copies of a Proposed Discovery Schedule, a copy of which is herewith served upon the assigned Hearing Officer, the attorneys for the Petitioner, Midwest Generation EME, LLC, and the attorneys for the Sierra Club.

Dated: Chicago, Illinois
August 4, 2005

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/
Asbestos Litigation Division

BY:  _____

Ann Alexander, Assistant Attorney General and
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ILLINOIS POLLUTION CONTROL BOARD

August 4, 2005

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STATE OF ILLINOIS
Pollution Control Board

MIDWEST GENERATION EME, LLC
Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Respondent.

PCB 04-216
(Trade Secret Appeal)

PROPOSED DISCOVERY SCHEDULE


Pursuant to the Hearing Officer Order of July 26, 2005, the parties submit the following Proposed Discovery Schedule:

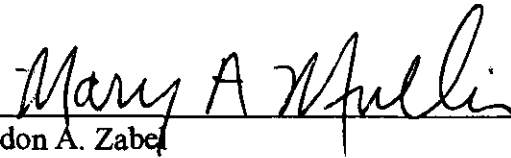
1. Initial Document Requests and Initial Interrogatories shall be served within 60 days of entry of the Hearing Officer's Discovery Scheduling Order. Initial Document Requests and Initial Interrogatories shall be limited to 25 each, including subparts.
2. Responses to Initial Document Requests and Initial Interrogatories shall be served within 90 days of entry of the Hearing Officer's Discovery Scheduling Order.
3. Depositions shall be completed within 180 days of entry of the Hearing Officer's Discovery Scheduling Order.
4. Final Document Requests and Final Interrogatories shall be served within 210 days of entry of the Hearing Officer's Discovery Scheduling Order. Final Document Requests and Final Interrogatories shall be limited to 15, including subparts.
5. Responses to Final Documents Request and Final Interrogatories shall be served within 240 days of entry of the Hearing Officer's Discovery Scheduling Order.
6. In the event there is a discovery dispute, the Hearing Officer may adjust the schedule appropriately.

Respectfully submitted,

Lisa Madigan, Attorney General of the
State of Illinois

Midwest Generation EME, LLC

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