

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VERNON AND ELAINE ZOHFELD,

RECEIVED
CLERK'S OFFICE

COMPLAINANTS

AUG 23 2005

vs.

CAUSE NO. PCB 2005-193

STATE OF ILLINOIS
Pollution Control Board

**ROBERT DRAKE, WABASH
VALLEY SERVICE COMPANY,
MICHAEL J. PFISTER, NOAH D.
HORTON AND STEVE KINDER,**

RESPONDENTS

NOTICE OF FILING AND PROOF OF SERVICE

The undersigned certifies that on today's date an original and nine (9) copies of **Respondent Robert Drake's Motion for Leave to File a Reply to Complainants' Response to Motion to Stay Proceedings**, and of this Notice of Filing, were served by U.S. mail upon the Clerk of the Illinois Pollution Control Board and Hearing Officer Carol Webb, Esq., and one (1) copy to each of the following parties of record in this cause:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Stephen F. Hedinger, Esq.
Hedinger Law Office
2601 South Fifth Street
Springfield, IL 62703

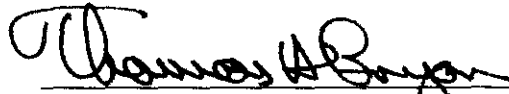
Thomas G. Safley, Esq.
Gale W. Newton, Esq.
HODGE DWYER ZERMAN
3150 Roland Avenue
P.O. Box 5776
Springfield IL 62705-5776

by enclosing same in an envelope with postage fully prepaid, and by depositing said envelope with the United States Postal Service in Evansville Indiana before 5:30 p.m. on 18th August, 2005.

THIS FILING SUBMITTED ON RECYCLED PAPER

FINE & HATFIELD
A Professional Corporation
P.O. BOX 779
EVANSVILLE, INDIANA 47705-0779
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Respectfully submitted,



Thomas H. Bryan

IN # 2958-82

IL # 328367

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Attorneys for Robert Drake

Respondent

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RESPONDENTS

**RESPONDENT ROBERT DRAKE'S MOTION FOR LEAVE TO FILE A
REPLY TO COMPLAINANTS' RESPONSE TO MOTION TO STAY
PROCEEDINGS**

Comes now Respondent, Robert Drake (hereafter "Drake"), by counsel, Thomas H. Bryan of the firm of FINE & HATFIELD, A Professional Corporation, and moves the hearing officer in this matter, pursuant to Section 101.500(e) of the Illinois Pollution Control Board's ("Board") procedural rules, 35 Ill. Admin. Code §101.500 (e), for leave to file their Reply to Complainants' Vernon and Elaine Zohfeld's Response to Motion to Stay Proceedings and states as follows:

1. As counsel for Robert Drake, I am in receipt of the Motion for Leave to File a Reply to Complainants' Response to Motion to Stay Proceedings electronically filed on August 15, 2005 by Thomas G. Safley, Esq. on behalf of the respondents Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder.
2. The respondent, Robert Drake, has a similar motion for stay pending.

THIS FILING SUBMITTED ON RECYCLED PAPER

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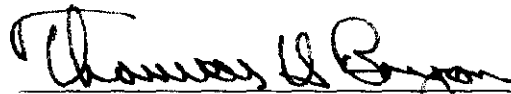
3. Our office received service of Complainants' Response to Motions to Stay Proceedings on August 5, 2005.

4. Respondent Robert Drake would like to join in the request of co-respondents' Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder for an opportunity to reply to Complainants' Response to Motions to Stay Proceedings.

WHEREFORE, the Respondent Robert Drake, through his counsel, Thomas H. Bryan, of the firm of FINE & HATFIELD, A Professional Corporation, respectfully requests that the Hearing Officer, Carol Webb, grant Robert Drake leave to file a Reply to Complainants' Response to Motions to Stay Proceedings.

Dated this 18th day of August, 2005.

Respectfully submitted,



Thomas H. Bryan

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Attorneys for Respondent

Robert Drake