

ILLINOIS POLLUTION CONTROL BOARD
December 13, 2005

MORTON F. DOROTHY,)	
)	
Complainant,)	
)	
v.)	PCB 05-49
)	(Citizens Enforcement – Air, Land)
FLEX-N-GATE CORPORATION, an Illinois)	
Corporation,)	
)	
Respondent.)	

HEARING OFFICER ORDER

On December 12, 2005, the hearing officer was absent due to a funeral. At the last status conference, the hearing officer requested a joint status report detailing any outstanding motions, and proposing a discovery schedule reflecting the Board order that limited the scope of the hearing to Count I of the complaint.

According to respondent, complainant did not participate in preparing a joint status report. Respondent's status report stated that the only outstanding motion for the hearing officer was complainant's motion for expedited discovery filed on October 14, 2004. Due to the procedural history of this case, and complainant's contribution to the delay in the proceedings, the hearing officer denies the motion. Respondent requested 60 days for written discovery. The request is granted, and written discovery is due by February 14, 2006.

The parties are directed to participate in a telephone status conference with the hearing officer at 9:30 a.m. on February 9, 2006. The status conference shall be initiated by the complainant.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
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217/524-8509
webbc@ipcb.state.il.us

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 13, 2005, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on December 13, 2005:

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



Carol Webb
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PCB 2005-049
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