

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VINCENT AND JENNIFER NERI,)	
)	
Complainant,)	
)	
v.)	PCB No. 05-213
)	(Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA)	
INC.,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn	Bradley P. Halloran, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board Respondent, TNT Logistics North America, Inc.'s **RESPONSE TO COMPLAINANTS' DISCOVERY SCHEDULE REVISION**, a copy of which is herewith served upon you.

Respectfully submitted,

TNT LOGISTICS NORTH
AMERICA INC.,
Respondent,

By: /s/ Thomas G. Safley
One of Its Attorneys

Dated: December 20, 2005

Edward W. Dwyer
Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, Thomas G. Safley, the undersigned, hereby certify that I have served the
attached RESPONSE TO COMPLAINANTS' DISCOVERY SCHEDULE REVISION
upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on December 20, 2005; and upon:

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Mr. Vincent Neri
Ms. Jennifer Neri
6530 Lakeview Lane
Monee, Illinois 60449

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois on December 20, 2005.

/s/ Thomas G. Safley
Thomas G. Safley

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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)	
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RESPONSE TO COMPLAINANTS' DISCOVERY SCHEDULE REVISION

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC.

("TNT"), by its attorneys, HODGE DWYER ZEMAN, and for its Response to Complainants' Discovery Schedule Revision, states as follows:

1. On December 19, 2005, the undersigned received Complainants' Discovery Schedule Revision, a copy of which is attached hereto as Exhibit A.
2. This filing contains what appears to be a typographical error, stating: "This cause comes before the Hearing Officer on submission by the parties of a joint proposed Discovery Schedule." Exhibit A. (Emphasis added.)
3. TNT does not agree to the discovery deadlines proposed by Complainants in their Discovery Schedule Revision.
4. Rather, as stated in TNT's Motion for Entry of Respondent's Proposed Discovery Schedule, filed on December 16, 2005, TNT and Complainants have not reached an agreement on proposed discovery deadlines or filed a "joint proposed Discovery Schedule." See id. at ¶3.
5. Thus, TNT's Motion for Entry of Respondent's Proposed Discovery Schedule moved the Hearing Officer to enter TNT's proposed Discovery Schedule filed

therewith, which Discovery Schedule includes different deadlines than those proposed by Complainants.

WHEREFORE, Respondent, TNT LOGISTICS NORTH AMERICA INC., respectfully moves the Hearing Officer to enter TNT's proposed Discovery Schedule filed on December 16, 2005, and not Complainants' Discovery Schedule Revision, and to grant TNT all other relief just and proper in the premises.

Respectfully submitted,

TNT LOGISTICS NORTH AMERICA INC.,
Respondent,

By: /s/Thomas G. Safley
One of Its Attorneys

Dated: December 20, 2005

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TNTL:002/Fil/Neri/Response to Discovery Schedule Revision

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Vincent & Jennifer Neri

Compliant

V/s

PCB No. 05-213

TNT Logistics North America Inc.

Respondent

DISCOVERY SCHEDULE REVISION

This cause comes before the Hearing Officer on submission by the parties of a joint proposed Discovery Schedule. Having considered the foregoing, & being duly advised, the Hearing Officer now finds that such Discovery Schedule should be APPROVED, & accordingly, hereby enters the following Discovery Schedule in this matter:

DATES

TASK

February 1, 2006

All written discovery served & answered.

March 15, 2006

Complainants' opinion witness(es) & their opinions disclosed.

April 15, 2006

Respondent's opinion witness(es) & their opinions disclosed.

May 1, 2006

Depositions completed.

May 1, 2006

Close of all discovery.

Dated: _____ Hearing Officer: _____

Distribution to: Complainants; counsel for Respondent