

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROBERT F. KASSELLA JR. and)	
KELLIE R. KASSELLA,)	
)	
Complainant,)	
)	
v.)	PCB No. 06-001
)	(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 a **MOTION FOR ENTRY OF DISCOVERY SCHEDULE** and proposed **DISCOVERY SCHEDULE**, copies of which are 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 MOTION FOR ENTRY OF DISCOVERY SCHEDULE and proposed DISCOVERY SCHEDULE 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

Timothy M. Nolan, Esq.
Mary Ann Sullivan, Esq.
53 West Jackson Boulevard
Suite 1137
Chicago, Illinois 60604-3702

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

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MOTION FOR ENTRY OF DISCOVERY SCHEDULE

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC., by its attorneys, HODGE DWYER ZEMAN, and files the parties' joint proposed Discovery Schedule, and in support of this filing, states as follows:

1. On December 1, 2005, the parties participated in a status conference, during which the parties agreed to develop and file a joint proposed Discovery Schedule for the Hearing Officer's consideration.

2. Counsel for Respondent prepared a draft joint proposed Discovery Schedule for Complainants' approval. Counsel for Complainants agreed to the draft, and a copy of the agreed-upon joint proposed Discovery Schedule is filed herewith.

3. Complainants, Robert F. Kassela Jr. and Kellie R. Kassela, through their counsel, have authorized the undersigned to file the parties' joint proposed Discovery Schedule for the Hearing Officer's consideration on behalf of both parties.

4. The parties acknowledge that this discovery schedule may need to be revised at a later date in light of Complainants' Motion for Leave to Amend their Complaint.

WHEREFORE, Respondent, TNT LOGISTICS NORTH AMERICA INC.,
respectfully prays that the Hearing Officer enter the joint proposed Discovery Schedule
filed herewith.

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
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TNTL:002/Fil/Motion for Entry of Discovery Schedule - Kassela

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROBERT F. KASSELLA JR. and)	
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)	
Respondent.)	

DISCOVERY SCHEDULE

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

<u>DATES</u>	<u>TASK</u>
April 1, 2006	All written discovery served and answered.
May 15, 2006	Complainants' opinion witness(es) and their opinion(s) disclosed.
July 1, 2006	Respondent's opinion witness(es) and their opinion(s) disclosed.
August 1, 2006	Depositions completed.
August 1, 2006	Close of all discovery.

Dated: _____

Hearing Officer

Distribution to: All counsel of record
TNTL:002/Fil/Joint Discovery Schedule - Kassela