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MAY 31 2006

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan
ATTORNEY GENERAL

May 25, 2006

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. J & S Companies, Inc., et al.***
PCB 06-33

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Response to Respondent's Motion to Strike Complainant's Request for Admission of Fact Directed Towards First Choice Construction, Inc., in regard to the above-captioned matter. Please file the original and return a file-stamped copy to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Kristen Laughridge Gale
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

KLG/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
CLERK'S OFFICE

MAY 31 2006

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF
ILLINOIS,

Complainant,

vs.

J & S COMPANIES, INC., a Missouri
corporation, and FIRST CHOICE
CONSTRUCTION, INC., an Illinois
corporation,

Respondents.

PCB No. 06-33
(Enforcement)

NOTICE OF FILING

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

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a RESPONSE TO RESPONDENT'S MOTION TO STRIKE COMPLAINANT'S REQUEST FOR ADMISSION OF FACT DIRECTED TOWARDS FIRST CHOICE CONSTRUCTION, INC., a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

KRISTEN LAUGHRIDGE GALE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: May 25, 2006

CERTIFICATE OF SERVICE

I hereby certify that I did on May 25, 2006, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and RESPONSE TO RESPONDENT'S MOTION TO STRIKE COMPLAINANT'S REQUEST FOR ADMISSION OF FACT DIRECTED TOWARDS FIRST CHOICE CONSTRUCTION, INC.

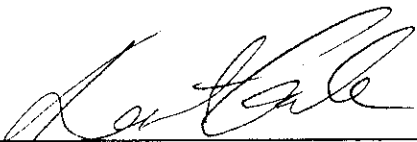
To: Stephen F. Hedinger
Hedinger Law Office
2601 South Fifth Street
Springfield, IL 62703

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794


KRISTEN LAUGHRIDGE GALE
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY 31 2006

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

No. PCB 06-33
(Enforcement-Land)

J & S COMPANIES, INC., a Missouri)
corporation, and FIRST CHOICE)
CONSTRUCTION, INC., an Illinois)
corporation,)

Respondent.)

RESPONSE TO RESPONDENT'S MOTION TO STRIKE
COMPLAINANT'S REQUEST FOR ADMISSION OF FACT DIRECTED
TOWARDS FIRST CHOICE CONSTRUCTION, INC.

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, hereby responds to the Motion to Strike filed by the Respondent, FIRST CHOICE, INC. In objection to this Motion, Complainant states as follows:

1. The Respondent was notified of the Complainant's Request for Admission of Fact.
2. The Complainant's Request for Admission of Fact contained notification that a response must be made within 28 days.
3. The Respondent timely filed their response to the Request for Admission of Fact within 28 days of the date it was mailed.
4. By the Respondent timely filing the Response, the Complainant's failure to completely follow the Board's procedures did not cause any harm to the Respondent.

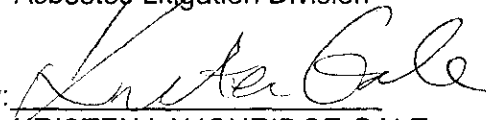
WHEREFORE, Complainant, People of the State of Illinois, respectfully request that the Board DENY the Motion to Strike filed by FIRST CHOICE, INC.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:



KRISTEN LAUGHRIDGE GALE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62076
217/782-9031
Dated: