

## ILLINOIS POLLUTION CONTROL BOARD

October 4, 2006

VINCENT and JENNIFER NERI,	)	
	)	
Complainants,	)	
	)	
v.	)	PCB 05-213
	)	(Citizens Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA INC.,	)	
	)	
Respondent.	)	

**HEARING OFFICER ORDER**

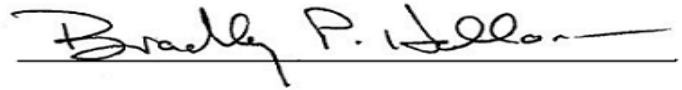
On September 28, 2006, all parties, including the parties in the related PCB 05-212, PCB 05-216, and PCB 05-217, participated in a telephonic status conference with the hearing officer. Numerous issues were discussed, including the “consolidation request” that was filed on September 11, 2006, by the complainant in the related case of PCB 05-216. Pre-hearing document due dates were also discussed.

Regarding the “consolidation request” it was agreed that the request was actually a coordination request. The complainant was concerned that since the cases are related and that many of the complainants’ witnesses and those of the related cases will be testifying in all of the cases, duplications are likely to occur. As such, the complainants wanted all of the cases to be heard at the same time in an effort to save time, money and resources. It was explained that depending on the number of witnesses, the hearings could be held on one day, but that each of the cases must be heard separately. Each of the cases allege numeric noise violations at a different property and each has its own burden of proof. The coordination request was denied.

The parties were directed to submit their respective witness list on or before October 3, 2006. Pre-hearing motions, including *motions-in-limine*, are to be filed on or before October 17, 2006. Responses are due to be filed on or before October 26, 2006. The parties were informed that the mailbox rule does not apply.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on November 2, 2006, at 12:00 p.m. The telephonic status conference must be initiated by the complainants, but each party is nonetheless responsible for their own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

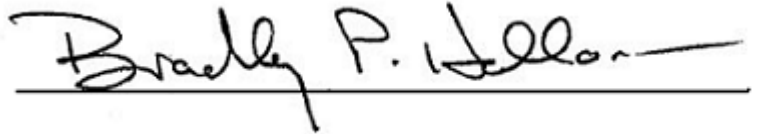
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class on October 4, 2006, 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 October 7, 2006:

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

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran  
HEARING OFFICER  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312.814-8917

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