

## ILLINOIS POLLUTION CONTROL BOARD

October 4, 2006

WAYNE HASER,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 05-216
	)	(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 05-213, and PCB 05-217 cases, participated in a telephonic status conference with the hearing officer. Numerous issues were discussed, including the complainants' "consolidation request" and pre-hearing document due dates.

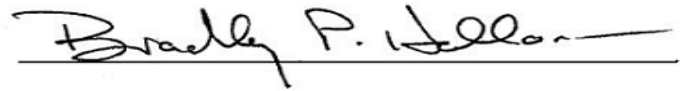
On September 11, 2006, complainant filed a "consolidation request". This request was also filed on behalf of the complainants in the related cases. First, it was explained to the complainant at the status conference that pursuant to section 101.400 of the Board's procedural rules he cannot, as a non-attorney, represent the other complainants in the related cases.

Second, and after discussing the complainant's "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 complainant's witnesses and those of the related cases will be testifying in all the cases, duplications are likely to occur. As such, the complainant wanted all of the cases to be held 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 complainant's coordination request was denied.

The parties were directed to submit their respective a witness lists 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 complainant but each party is nonetheless responsible for its 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.

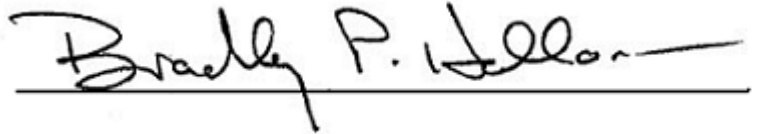
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

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 4, 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  
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100 W. Randolph Street, Suite 11-500  
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312.814-8917

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