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**PCB 06-184**

**(Pollution Control Facility Siting  
Appeal)**

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STATE OF ILLINOIS  
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**Pollution Control Board**  
**Public Hearing**

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**Pollution Control Board**  
**Public Hearing**

4. In order to fully and accurately respond to the entire Request to Admit it will take perhaps hundreds of hours or more of attorney time, and cost the Respondent untold thousands of dollars in attorneys fees.

5. The sheer number of requests in itself is burdensome and unreasonable, and is likely to cause unnecessary delay and/or needless increases in costs of litigation for the County.

6. Most, if not all, of the documents which Petitioner requests the County to authenticate in the Request to Admit could have been just as easily, or more easily, authenticated by Petitioner during the depositions of the County Board members and/or Petitioner's depositions of objectors.

7. Requests to Admit numbers 461 through 839 relate primarily, if not exclusively, to documents apparently authored and/or sent by individuals who are neither members of the County Board, nor members of the County staff, yet Petitioner asks the County to state whether the author and/or sender ever sent the documents to Petitioner, something totally outside of the knowledge of the County, and something only within the knowledge of Petitioner and/or the senders and authors.

8. The County is in no better situation to answer numbers 461 through 839 than is Petitioner, and the County should not have to bear the burden and cost of acquiring the information for Petitioner's claims relating to ex parte contacts, and those requests should be stricken.

9. Requests to admit numbers 1,598 through 1,976 are simply attempts to transfer the burden and cost of comparing the documents referenced in the Request to Admit with documents in the Record on Appeal from Petitioner to the County in an apparent attempt to increase the County's time and expense to defend this appeal, and should be stricken.

10. Counsel for Respondent has been working diligently over the past two (2) weeks on reviewing the Requests to Admit and formulating responses, and has not yet gotten one tenth of the way through the Request to Admit.

11. It is not fair, reasonable, nor likely to help resolve the issues on appeal to require or compel the County to respond to the excessive and burdensome Request to Admit, and the Request to Admit should be stricken in its entirety.

12. In the alternative, if the Hearing Officer believes some of the Requests to Admit are reasonable and must be responded to, the County respectfully states the sheer magnitude of the task of reviewing thousands of pages of documents and responding to some 2,000 requests to admit cannot be reasonably accomplished within the 28 days provided under the rules.

6. An extension of eight (8) weeks is necessary and appropriate to allow the County time to fully, accurately and thoroughly respond to the Request to Admit.

7. While a response on or before December 14, 2006, would not be filed before the required 35 days before the hearing on this matter, under the circumstances such a deadline is reasonable and necessary.

**WHEREFORE**, the Respondent, the Peoria County Board, respectfully requests the Hearing Officer strike Petitioner's First Set of Requests to Admit or in the alternative, grant the County an extension until December 14, 2006, to respond to the Request to Admit.

DATED: October 13, 2006.

Respectfully submitted,

By 

David A. Brown, One of the Attorneys  
for Peoria County

### AFFIDAVIT OF SERVICE

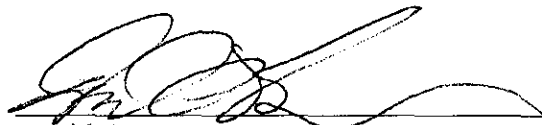
The undersigned, being duly sworn upon oath, states that a copy of the attached Motion for Extension of Time to Respond to Petitioner's First Set of Requests to Admit was served upon the following persons by enclosing such documents in separate envelopes, addressed as follows, and depositing said envelopes in the U.S. Postal Service mail box at Morton, Illinois on the 12<sup>th</sup> day of October, 2006, before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

George Mueller, P.C.  
Attorney at Law  
628 Columbus Street, Suite 204  
Ottawa, IL 61350

Brian J. Meghinnes  
Elias, Meghinnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, IL 61602

Dated: October 12, 2006.

  
David A. Brown

Subscribed and sworn to before me, a Notary Public, in the County and State as aforesaid, this 13<sup>th</sup> day of October, 2006.

  
Notary Public

