

**BEFORE THE ILLINOIS  
POLLUTION CONTROL BOARD**

<b>GRAND PIER CENTER LLC</b>	)	
<b>AMERICAN INTERNATIONAL</b>	)	
<b>SPECIALTY LINES INSURANCE CO.</b>	)	
<i>as subrogee of</i> <b>GRAND PIER CENTER LLC</b>	)	
	)	
<b>Complainants,</b>	)	<b>PCB 05-157</b>
	)	<b>(Citizens Enforcement – Land)</b>
<b>v.</b>	)	
	)	
<b>RIVER EAST LLC</b>	)	
<b>CHICAGO DOCK AND CANAL TRUST</b>	)	
<b>CHICAGO DOCK AND CANAL COMPANY</b>	)	
<b>KERR-McGEE CHEMICAL LLC</b>	)	
	)	
<b>Respondents.</b>	)	

**COMPLAINANTS' MOTION FOR DEFAULT JUDGMENT AGAINST RIVER  
EAST LLC AND CHICAGO DOCK AND CANAL TRUST**

Complainants Grand Pier LLC and American International Specialty Lines Insurance Co. (collectively "Grand Pier"), move for entry of default judgment against Respondents River East LLC and Chicago Dock and Canal Trust pursuant to section 101.608 of the Board's procedural rules.

1. Complainants served the Complaint upon the law firm of Pedersen & Houpt, which appeared on behalf of River East LLC and Chicago Dock and Canal Trust. Service was executed by Certified U.S. Mail.
2. On February 16, 2006, Pedersen & Houpt moved to withdraw as counsel for River East LLC and Chicago Dock and Canal Trust.
3. On April 5, 2006, the hearing officer granted Pedersen & Houpt's motion to withdraw.

4. Since April 5, 2006, no attorney has appeared on behalf of River East LLC or Chicago Dock and Canal Trust.

5. In August 2006, the hearing officer directed the Clerk to contact Pedersen & Houpt to obtain current addresses for members of River East LLC. Pedersen & Houpt replied on August 29, 2006, with a list of 15 individuals.

6. On September 20, 2006, the hearing officer ordered the Board's Clerk to serve copies of Pedersen & Houpt's motion to withdraw representation, as well as all Board and hearing officer orders, on the 15 individuals listed by Pedersen & Houpt as related to River East LLC.

7. The September 20, 2006, hearing officer order also directed all parties to participate in a telephone status on November 2, 2006. However, the only parties that participated in the November 2, 2006, telephone status conference were Complainants and Tronox LLC.

8. Section 101.608 of the Board's procedural rules provides: "Failure of a party to appear at the hearing, or failure to proceed as ordered by the Board or hearing officer, will constitute default."

9. River East LLC and Chicago Dock and Canal Trust have ignored hearing officer orders in this case by failing to secure representation subsequent to the withdrawal of Pedersen & Houpt. Despite the hearing officer's extraordinary efforts to procure an appearance on behalf of River East LLC and Chicago Dock and Canal Trust, there has been no response from these Respondents.

10. Consequently, River East LLC and Chicago Dock and Canal Trust are in default and Complainants request the Board enter an order finding that River East LLC,

as successor of and successor in interest to Chicago Dock and Canal Trust and Chicago Dock and Canal Company (as alleged in paragraph 5 of the Complaint) be held in default. Further, Complainants request the Board enter an order finding that Chicago Dock and Canal Trust, as successor of and successor in interest to Chicago Dock and Canal Company (as alleged in paragraph 6 of the Complaint) be held in default.

11. Complainants also move this Board to direct the hearing officer to schedule a hearing for proof of damages against River East LLC and Chicago Dock and Canal Trust.

WHEREFORE, Complainants Grand Pier LLC and American International Specialty Lines Insurance Co. pray the Board enter default judgment against River East LLC (as successor of and successor in interest to Chicago Dock and Canal Trust and Chicago Dock and Canal Company) and against Chicago Dock and Canal Trust and set an evidentiary hearing before the hearing officer for proof of damages.

November 2, 2006

Respectfully submitted

GRAND PIER CENTER LLC and  
AMERICAN INTERNATIONAL  
SPECIALITY LINES INSURANCE CO.

By: s/Garrett L. Boehm, Jr.  
One of Complainants' attorneys

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**Certificate of Service**

The undersigned certifies he caused to be served the foregoing COMPLAINANTS' MOTION FOR DEFAULT JUDGMENT AGAINST RIVER EAST LLC AND CHICAGO DOCK AND CANAL TRUST by U.S. Mail on the 7<sup>th</sup> day of November, 2006, to:

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