

ILLINOIS POLLUTION CONTROL BOARD  
November 15, 2006

|                                      |   |                                    |
|--------------------------------------|---|------------------------------------|
| MORTON F. DOROTHY,                   | ) |                                    |
|                                      | ) |                                    |
| Complainant,                         | ) |                                    |
|                                      | ) |                                    |
| v.                                   | ) | PCB 05-49                          |
|                                      | ) | (Citizens Enforcement – Air, Land) |
| FLEX-N-GATE CORPORATION, an Illinois | ) |                                    |
| corporation,                         | ) |                                    |
|                                      | ) |                                    |
| Respondent.                          | ) |                                    |

**HEARING OFFICER ORDER**

On October 19, 2006, respondent filed a response to complainant’s request for production of medical surveillance records. Respondent objects on the grounds that complainant’s request seeks information that is irrelevant and inadmissible at hearing. On October 24, 2006, complainant filed a motion to strike respondent’s response. Complainant argues that the request for medical surveillance records was not filed with the Board or hearing officer, was not captioned for this case, and is not relevant to this case. Respondent did not file a response to the motion to strike.

Since the parties agree that the medical surveillance records are not relevant to the case before the Board, the Board has no jurisdiction rule on these filings. If these records become relevant to this proceeding, respondent may renew its objections.

The parties are reminded to participate in a telephone status conference with the hearing officer at 1:30 p.m. on December 11, 2006. The status conference shall be initiated by the complainant.

IT IS SO ORDERED.




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Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/524-8509  
webbc@ipcb.state.il.us

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on November 15, 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 November 15, 2006:

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



Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
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PCB 2005-049  
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PCB 2005-049  
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Urbana, IL 61801

PCB 2005-049  
Flex-N-Gate (Guardian West)  
601 Guardian Drive  
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