

ILLINOIS POLLUTION CONTROL BOARD

February 15, 2007

GRAND PIER CENTER LLC, and)	
AMERICAN INTERNATIONAL)	
SPECIALTY LINES INSURANCE CO., as)	
subrogee of Grand Pier Center LLC,)	
)	
Complainants,)	
)	
v.)	PCB 05-157
)	(Citizens Enforcement - Land)
RIVER EAST LLC, CHICAGO DOCK AND)	
CANAL TRUST, CHICAGO DOCK AND)	
CANAL COMPANY, and TRONOX LLC,)	
)	
Respondents.)	

TRONOX LLC,)	
)	
Counter-Complainants,)	
)	
v.)	PCB 05-157
)	(Citizens Enforcement - Land)
GRAND PIER CENTER LLC, and)	
AMERICAN INTERNATIONAL)	
SPECIALTY LINES INSURANCE CO., as)	
subrogee of Grand Pier Center LLC,)	
)	
Counter-Respondents.)	

ORDER OF THE BOARD (by G.T. Girard):

On November 8, 2006, Grand Pier Center LLC and American International Specialty Lines Insurance Company (Grand Pier) filed a motion seeking entry of a default judgment against respondents River East LLC (River East) and Chicago Dock and Canal Trust (Chicago Trust).¹ The Board did not receive a response from either River East or Chicago Trust. On December 21, 2006, the Board stated:

¹ The Board notes that in the complaint Chicago Dock and Canal Company is also a named party and the complaint indicates that Chicago Trust is a successor of and successor interest to Chicago Dock and Canal Company. However, the motion for default names only the two parties, River East and Chicago Trust. Therefore, the Board makes no finding concerning Chicago Dock and Canal Company in this order.

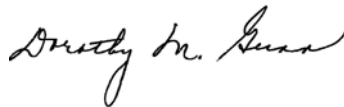
The Board agrees with Grand Pier that the Board may enter a default judgment under the Board's rules. However, in a September 20, 2006 hearing officer order, the hearing officer ordered service of all the pleadings in this case on 15 individual respondents who are River East and Chicago Trust. Since that order, the respondents have missed only one status call. Given the potential liability for respondents in this case, the Board is reluctant to enter a default judgment against River East and Chicago Trust at this time. Rather, the Board will give respondents, River East and Chicago Trust an additional opportunity to respond to the complaint. The Board will give respondents River East and Chicago Trust until January 22, 2007, to either contact the hearing officer or enter an appearance in this proceeding. If respondents River East and Chicago Trust fail to respond to today's Board order, the Board will have no choice but to rule in favor of Grand Pier on the motion for an entry of default judgment.

As of today's date, the Board nor the hearing officer have been contacted by River East and Chicago Trust. Further, River East and Chicago Trust missed another status call on January 11, 2007, with the hearing officer, and subsequently in a January 11, 2007 hearing officer order were reminded of the January 22, 2007 deadline. River East and Chicago Trust have repeatedly ignored both orders by the Board and the hearing officer to participate in this proceeding. Their refusal to be a part of the proceedings leaves the Board with no choice but to grant the motion for a default order. Therefore, the Board finds that River East LLC and Chicago Dock and Canal Trust are in default and the Board finds for the petitioners Grand Pier Center LLC and American International Specialty Lines Insurance Company on all counts.

The Board notes that this default order affects only the respondents, River East and Chicago Trust, and not respondent/cross-complainant, Tronox LLC. Thus, there are allegations from both the complaint and cross-complaint which have yet to be resolved. Therefore, the Board reserves ruling on any penalties or cost recovery to be levied against River East and Chicago Trust until the remaining allegations of the complaint and cross-complaint have been resolved and the Board enters a final order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 15, 2007, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board