

ILLINOIS POLLUTION CONTROL BOARD

August 20, 2007

FOX MORaine, L.L.C.,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 07-146
UNITED CITY OF YORKVILLE, CITY)	(Pollution Control Facility
COUNCIL,)	Siting Appeal)
)	
Respondent.)	
)	

HEARING OFFICER ORDER

On August 20, 2007, all parties participated in a telephonic status conference with the hearing officer. Attorney Michael Blazer also appeared notwithstanding his motion to intervene on behalf of Kendall County as yet to be ruled upon. None of the parties objected.

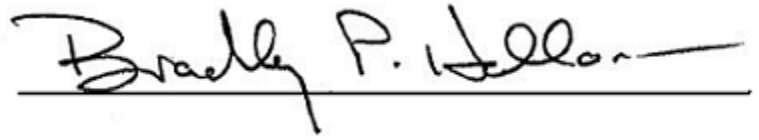
The complainant represented that discovery is proceeding. The respondent represented that it received the complainant's written discovery requests on August 6, 2007. The respondent represented that it will file a motion for protective order.

To that end, respondent's motion for protective order is due to be filed on or before August 23, 2007. The mailbox rule will not apply. Complainant's response is due to be filed on or before August 30, 2007. The mailbox rule will not apply. Over complainant's objection, respondent's responses to complainant's written discovery has been extended to September 20, 2007. The discovery schedule may be revisited at the next telephonic status conference.

The parties are reminded that the above-captioned appeal involves a statutory decision deadline where time is of the essence.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on September 20, 2007, at 11:45 a.m. The telephonic conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the 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 that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

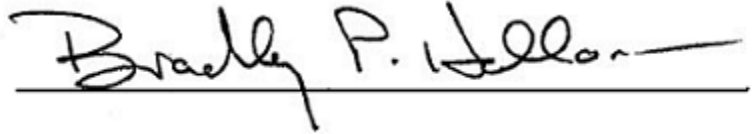
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on August 20, 2007, 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 August 20, 2007:

John T. Therriault
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" with a horizontal line underneath it.

Bradley P. Halloran
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