

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

NOV 02 2007

STATE OF ILLINOIS
Pollution Control Board

FOX MORAINE, LLC)
)
Petitioner,)
)
v.)
)
)
UNITED CITY OF YORKVILLE,)
CITY COUNCIL)
)
Respondent.)

PCB 07-146

NOTICE OF MOTION

To: See Attached Service List

PLEASE TAKE NOTICE that we have caused to be filed with the Clerk of the Court on the 31st day of October, 2007, a Motion for Leave to File Amicus Brief, a copy of which is attached hereto.

VILLAGE OF PLAINFIELD,

BY: *James B. Harvey*
 JAMES B. HARVEY

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that a copy of the foregoing instrument, along with any attachments, was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleading of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Joliet, Illinois, on 31st day October, 2007, at 5:00 p.m.

A handwritten signature in cursive script, appearing to read "Marie L. Mravle", is written over a horizontal line.

MARIE L. MRAVLE

McKeown, Fitzgerald, Zollner,
Buck, Hutchison & Ruttle
2455 Glenwood Avenue
Joliet, Illinois 60435
815/729-4800

SERVICE LIST

FOX MORaine, LLC v. UNITED CITY OF YORKVILLE, CITY COUNCIL

Hearing Officer

Bradley P. Halloran
Illinois Pollution Control Board
James R Thompson Center
1000 W. Randolph St., Ste. 11-500
Chicago, IL 60601

Attorney for Respondent

Derke J. Price
Ancel, Glink, Diamond, Bush & Krafthefer, P.C.
140 S. Dearborn Street, 6th Floor
Chicago, IL 60603

Attorney for Co-Petitioner

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O.Box 1389
Rockford, IL 61105-1389

Attorney for Respondent

Jeffery D. Jeep
Jeep & Blazer, LLC
24 North Hillside Avenue, Suite A
Hillside, IL 60162

Attorneys for Respondent

Leo P. Dombrowski
Anthony G. Hopp
Thomas I. Matyas
Wildman, Harrold, Allen & Dixon
225 W. Wacker Drive, Suite 3000
Chicago, IL 60606-1229

Attorney for Co-Petitioner

George Mueller
Mueller Anderson, P.C.
609 Etna Road
Ottawa, IL 61350

Attorney for Respondent

Ms. Valerie Burd, Mayor
Michael Roth, Interim City Attorney
City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

Michael Roth
Ice Miller, LLP
2300 Cabot Drive, Suite 455
Lisle, IL 60532

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
NOV 02 2007
STATE OF ILLINOIS
Pollution Control Board

FOX MORaine, LLC)
)
 Petitioner,)
)
 v.) PCB 07-146
)
)
 UNITED CITY OF YORKVILLE,)
 CITY COUNCIL)
)
 Respondent.)

MOTION FOR LEAVE TO FILE AMICUS BRIEF

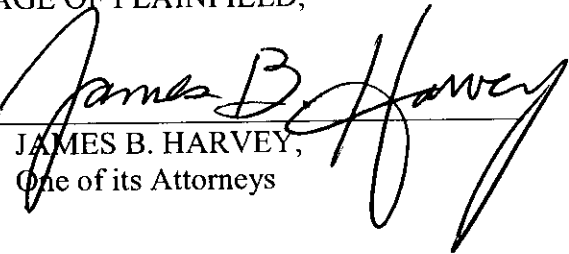
NOW COMES the VILLAGE OF PLAINFIELD, Will and Kendall Counties Illinois, and for its motion states as follows:

1. That the Village of Plainfield participated in the siting application of Fox Moraine LLC before the City of Yorkville by appearing and participating throughout the hearing process including attending each day that the matter was heard by the City of Yorkville.
2. Additionally, the village of Plainfield presented expert testimony by a traffic engineer as to Criterion number 6 not being met.
3. Specifically, the increase in semi-truck traffic impacting te downtown of the Village of Plainfield as it headed out west to the City of Yorkville was specifically noted by the City of Yorkville in its determination. (See record of proceedings page 77).

WHEREFORE, the Village of Plainfield requests that it be given leave to file an amicus brief as provided by law.

VILLAGE OF PLAINFIELD,

BY:

A handwritten signature in black ink, reading "James B. Harvey", written over a horizontal line.

JAMES B. HARVEY,
One of its Attorneys

James B. Harvey
McKeown, Fitzgerald, Zollner,
Buck, Hutchison & Ruttle
2455 Glenwood Avenue
Joliet, IL 60435
(815) 729-4800
No. 3126152