

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

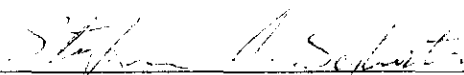
PEOPLE OF THE STATE OF ILLINOIS)
by LISA MADIGAN, Attorney General)
of the State of Illinois,)
)
Complainant,)
)
v.) PCB No. 07-144
) (Enforcement – Air)
MICK MORFEY, individually, and)
WILLIAM KNAUER, individually,)
)
Respondents.)

NOTICE OF ELECTRONIC FILING

TO: SEE ATTACHED SERVICE LIST

Please take notice that on the 1st day of April, 2008, I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complainant's Motion to Compel Compliance with Discovery Requests a true and correct copy of which is attached and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

By: 
STEPHEN J. SYLVESTER
Assistant Attorney General
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, IL 60602
(312) 814-2087

Date: April 1, 2008

SERVICE LIST

James Macchitelli, Esq.
Counsel for Respondent Mick Morfey
7247 W. Touhy Ave.
Chicago, IL 60631

Bradley Halloran
Chief Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, 11th Floor
Chicago, IL 60601

Dennis Brown
Assistant Counsel
Illinois EPA, Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)
by LISA MADIGAN Attorney General)
of the State of Illinois)
Complainant,) PCB No. 07-144
v.) (Enforcement- Air)
MICK MORFEY, individually and)
WILLIAM KNAUER, individually)
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MOTION TO COMPEL COMPLIANCE WITH DISCOVERY REQUESTS

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois (“People”), pursuant to Supreme Court Rules 201(k) and 219(c) and Section 101.800 of the Illinois Pollution Control Board (“Board”) Procedural Regulations, 35 Ill. Adm. Code 101.800, and moves for an Order compelling Respondent Mick Morfey to furnish responses to interrogatories and a request for production of documents served upon him by the People. In support of this Motion, the People state as follows:

1. On September 6, 2007, the Hearing Officer entered an Order requiring the People and Morfey to submit a proposed discovery schedule by September 14, 2007.
2. On September 17, 2007, the Hearing Officer entered an Order stating that on September 14, 2007, the People and Morfey submitted a proposed discovery schedule, which was accepted as follows: written discovery served by October 21, 2007, responses to written discovery served by November 20, 2007, depositions completed by February 11, 2008, expert witness disclosures from complainant by March 12, 2008, and from respondent by April 11, 2008, and all dispositive motions filed by May 12, 2008.

Electronic Filing - Received, Clerk's Office, April 1, 2008

3. On October 17, 2007, Morfey served the People with his written discovery requests pursuant to the September 17, 2007 Hearing Officer Order.
4. On October 22, 2007, the People served Morfey with their written discovery requests pursuant to the September 17, 2007 Hearing Officer Order.
5. On November 15, 2007, the People filed a Motion for Extension of Time to Respond to Morfey's Discovery Requests.
6. On November 19, 2007, Morfey filed a Motion for Extension of Time to Respond to the People's Discovery Requests.
7. On November 28, 2007, the Hearing Officer entered an Order granting both the People's and Morfey's motions.
8. On February 7, 2008, the Hearing Officer entered an Order setting forth an agreed discovery schedule as follows:

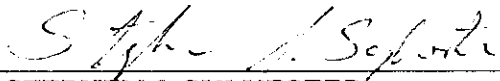
complainant and respondent Mick Morfey whose attorney directed to file appearance, schedule accepted as follows: written discovery responses due March 7, 2008, all party depositions and fact witness depositions completed by June 11, 2008, expert witness disclosures, including reports from retained experts, due July 11, 2008 from complainant and by August 11, 2008, by respondent, all dispositive motions filed by September 12, 2008;
9. Morfey failed to respond to and to comply with the interrogatories and request for production by March 7, 2008.
10. On March 24, 2008, counsel for the People sent counsel for Morfey a letter pursuant to Supreme Court Rule 201(k) requesting compliance with the People's discovery requests. The People's 201(k) Letter is attached as Exhibit 1.
11. As of the date of filing of this Motion, Morfey has failed to comply with the People's discovery requests, and have likewise failed to contact the People by letter or by telephone to discuss the same.

12. Despite the People's reasonable attempts to resolve the differences described above, the parties have been unable to reach an accord.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests that the Hearing Officer or the Board enter an Order compelling Respondent MICK MORFEY, to immediately, fully and completely comply with the People's interrogatories and production request served on Respondent MICK MORFEY on October 22, 2007.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by LISA MADIGAN
Attorney General of the State of Illinois

BY: 
STEPHEN J. SYLVESTER
Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
Tel: 312-814-2087



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 24, 2008

VIA U.S. MAIL & EMAIL; jimmymacc@aol.com

Mr. James Macchitelli, Esq.
7247 W. Touhy Ave.
Chicago, IL 60631

RE: People of the State of Illinois v. Morfey and Knauer, PCB 07-144

Dear Mr. Macchitelli,

On October 22, 2007, the State served upon you its First Set of Interrogatories and First Request for Production of Documents to Respondent Mick Morfey in the above-referenced case. Pursuant to the February 7, 2008 Hearing Officer Order, Respondent, Mick Morfey's responses to the States discovery requests were due on March 7, 2008. Last week, I left a voicemail message on your cell phone (847) 414-4532, inquiring as to the status of Mr. Morfey's responses. To date, I have not received a response to my telephone call nor have I received Mr. Morfey's responses to the State's Discovery Requests.

Accordingly, I am requesting, pursuant to Illinois Supreme Court Rule 201(k), that you immediately furnish to this Office the Respondent Mick Morfey's complete responses to the State's discovery requests. Thank you for your anticipated compliance.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Sylvester".

Stephen J. Sylvester
Assistant Attorney General
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
(312) 814-2087
ssylvester@atg.state.il.us

cc: Dennis Brown, Illinois EPA



CERTIFICATE OF SERVICE

I, STEPHEN J. SYLVESTER, an Assistant Attorney General in this case, do certify that I caused to be served this 1st day of April, 2008, the foregoing Notice of Filing and Complainant's Motion to Compel Compliance with Discovery Requests upon the persons listed on said Notice by depositing same in an envelope, by first class postage prepaid, with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

BY: 
STEPHEN J. SYLVESTER