

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

APR 10 2009

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 PACKAGING PERSONIFIED, INC., an )  
 Illinois Corporation )  
 Respondent. )

PCB 04-16  
(Enforcement - Air)

NOTICE OF FILING

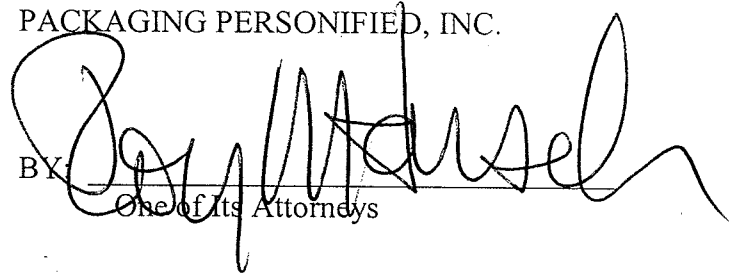
TO: Paula Wheeler  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602

L. Nichole Cunningham  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602

**PLEASE TAKE NOTICE** that on **Friday, April 10, 2009**, we filed the attached **Respondent's Motion to Modify Discovery Cutoff** via hand delivery with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

PACKAGING PERSONIFIED, INC.

  
B X \_\_\_\_\_  
One of Its Attorneys

Roy M. Harsch  
Drinker Biddle & Reath LLP  
191 N. Wacker Drive - Suite 3700  
Chicago, Illinois 60606-1698  
(312) 569-1000

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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OF THE STATE OF ILLINOIS

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**RESPONDENT'S MOTION TO MODIFY DISCOVERY CUTOFF**

Respondent, Packaging Personified, Inc. ("Packaging"), by its attorneys Drinker Biddle & Reath LLP, hereby requests that the Hearing Officer modify the April 17, 2009 cutoff date for completing discovery as set forth below:

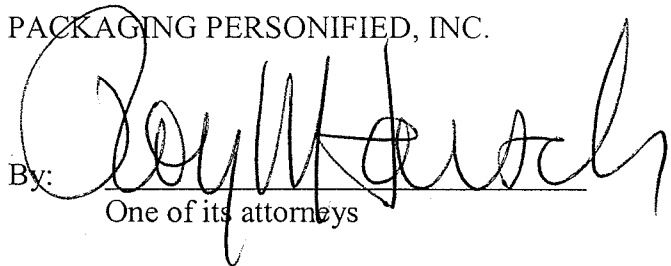
1. In an order dated March 17, 2009, the Hearing Officer set a discovery cutoff date of April 17, 2009.
2. Respondent was not able to produce three individuals for their requested depositions on the dates noticed by Complaint because these individual were out of the state on vacation.
3. While one of the depositions has been held, rescheduling the remaining two could not be accomplished prior to the April 17, 2009 cutoff.
4. Respondent and Complaint have agreed to alternative dates. Notices regarding such alternative dates for the remaining two depositions have been served for April 20 and 28, 2009.
5. Ms. Paula Becker Wheeler counsel for the Complainant has authorized the undersigned to state that Complainant will not file a response to this motion.

6. Both Complainant and Respondent have been actively proceeding with discovery in this matter. As a result the request contained herein will not result in any adverse impact on either of their preparation for hearing in this matter.

Wherefore Respondent respectfully requests that the Hearing Officer extend the discovery cutoff date to April 30, 2009.

Respectfully Submitted,

PACKAGING PERSONIFIED, INC.

By:   
One of its attorneys

Dated: April 10, 2009

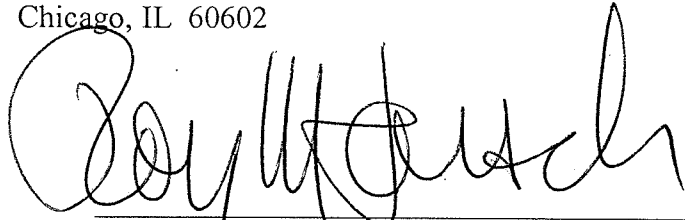
Roy M. Harsch  
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191 N. Wacker Drive - Suite 3700  
Chicago, IL 60606-1698  
Telephone: (312) 569-1441  
Facsimile: (312) 569-3441

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **Respondent's Motion to Modify Discovery Cutoff** was filed via hand delivery with the Clerk of the Illinois Pollution Control Board and served upon the parties below by U.S. First Class Mail on **Friday, April 10, 2009**.

Paula Wheeler  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street - 18<sup>th</sup> Floor  
Chicago, IL 60602

L. Nichole Cunningham  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street - Street, 18<sup>th</sup> Floor  
Chicago, IL 60602



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Roy M. Harsch