

ILLINOIS POLLUTION CONTROL BOARD

April 14, 2009

ANNE MCDONAGH and DAVID	)	
FISHBAUM,	)	
	)	
Complainants,	)	
	)	PCB 08-76
v.	)	(Citizens Enforcement – Noise)
	)	
RICHARD and AMY MICHELON,	)	
	)	
Respondents.	)	
	)	
	)	

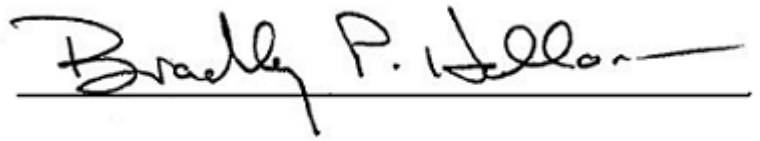
**HEARING OFFICER ORDER**

On April 14, 2009, all parties participated in a telephonic status conference with the hearing officer. The respondents represented that they were granted a variance from the Village and have recently relocated the units at issue approximately 95 feet away from the original site. While it is anticipated that respondents’ effort will resolve the above-captioned matter, the complainants requested that another telephonic status conference be scheduled. In the interim, complainants will observe the newly relocated units when the units are turned on. If satisfied, the complainants represented that they will file a motion to voluntarily dismiss this matter.

To that end, it was agreed that the hearing scheduled for May 28, 2009, is cancelled and that the discovery schedule will be revisited at the next status conference if need be.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on May 14, 2009, at 10:00 a.m. The telephonic conference must be initiated by the complainant, 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 whether a hearing need be scheduled.

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.

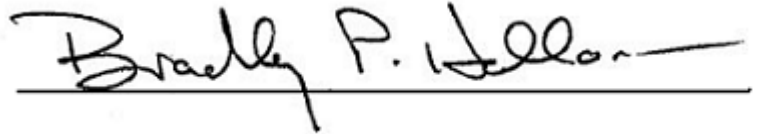
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on April 14, 2009, 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 April 14, 2009:

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". 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  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312.814.8917

PCB 2008-076  
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