

LAW OFFICES OF
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August 12, 2009

VIA ELECTRONIC FILING

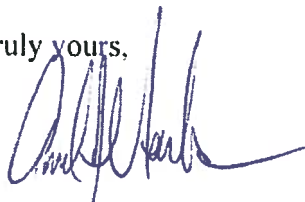
Illinois Pollution Control Board
Clerk's Office
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601
<http://www.ipcb.state.il.us/>

Re: Elmhurst Memorial Healthcare, et al. v. Chevron U.S.A. Inc. (PCB 2009-066)

Dear Clerk:

This law firm represents Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital in the above-referenced case. Please find enclosed a dispositive filing directed to the Board titled "Complainants' Reply in Support of its Motion to Strike Affirmative Defenses." A Notice of Filing and Certificate of Service are enclosed as well.

Very truly yours,



Andrew J. Marks

Encl.

cc: Via Regular Mail

Joseph A. Girardi
Robert B. Christie
Henderson & Lyman
Attorneys for Chevron U.S.A. Inc.
175 W. Jackson Blvd., Suite 240
Chicago, Illinois 60604

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ELMHURST MEMORIAL HEALTHCARE and)	
ELMHURST MEMORIAL HOSPITAL)	
)	
Complainants,)	
)	
v.)	PCB 09-66
)	(Citizen's Enforcement – Land)
CHEVRON U.S.A. INC.,)	
)	
Respondent.)	

NOTICE OF FILING

To:	Joseph A. Girardi	Gary L. Blankenship
	Robert B. Christie	Board Member
	Henderson & Lyman	Bradley P. Halloran
	Attorneys for Chevron U.S.A. Inc.	Hearing Officer
	175 W. Jackson Blvd., Suite 240	Illinois Pollution Control Board
	Chicago, Illinois 60604	James R. Thomson Center, Suite 11-500
	<i>jgirardi@henderson-lyman.com</i>	100 W. Randolph Street
	<i>rchristie@henderson-lyman.com</i>	Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have on August 12, 2009 electronically filed with the Office of the Clerk of the Pollution Control Board COMPLAINANTS' REPLY IN SUPPORT OF ITS MOTION TO STRIKE AFFIRMATIVE DEFENSES. a copy of which is hereby served upon you.

Elmhurst Memorial Healthcare
Elmhurst Memorial Hospital

By: 
One of their attorneys

Carey S. Rosemarin (ARDC No. 6181911)
Andrew J. Marks (ARDC No. 6286796)
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Northbrook, IL 60062
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ELMHURST MEMORIAL HEALTHCARE and)	
ELMHURST MEMORIAL HOSPITAL)	
)	
Complainants,)	
)	
v.)	PCB 09-66
)	(Citizen's Enforcement – Land)
CHEVRON U.S.A. INC.,)	
)	
Respondent.)	

COMPLAINANTS' REPLY IN SUPPORT OF ITS MOTION TO STRIKE AFFIRMATIVE DEFENSES

Complainants, Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital (collectively, "EMH"), by and through their attorney, the Law Offices of Carey S. Rosemarin, P.C., and pursuant to the Board's August 6, 2009 Order, file this reply in support of EMH's motion to strike Respondent Chevron's affirmative defenses ("Reply"). For its Reply, EMH relies on its "Motion for Leave to File Reply Instant in Support of Its Motion to Strike Affirmative Defenses," filed with the Board on July 10, 2009, which is incorporated by reference as if fully set forth herein.

Dated: August 12, 2009

Respectfully submitted,

Elmhurst Memorial Healthcare
Elmhurst Memorial Hospital

By: 
One of their Attorneys

Carey S. Rosemarin (ARDC No. 6181911)
Andrew J. Marks (ARDC No. 6286796)
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

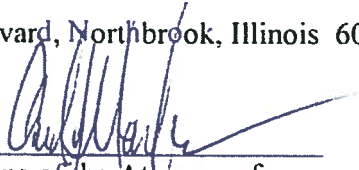
ELMHURST MEMORIAL HEALTHCARE and)	
ELMHURST MEMORIAL HOSPITAL)	
)	
Complainants,)	
)	
v.)	PCB 09-66
)	(Citizen's Enforcement – Land)
CHEVRON U.S.A. INC.,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I, the undersigned, on August 12, 2009, caused the foregoing "COMPLAINANTS' REPLY IN SUPPORT OF ITS MOTION TO STRIKE AFFIRMATIVE DEFENSES" and Notice of Filing to be electronically filed with the Office of the Clerk, and caused a true and correct copy of said documents to be served upon:

Joseph A. Girardi
Robert B. Christie
Henderson & Lyman
Attorneys for Chevron U.S.A. Inc.
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rchristie@henderson-lyman.com

by placing same in U.S. Mail at 500 Skokie Boulevard, Northbrook, Illinois 60062-2620.



One of the Attorneys for
Elmhurst Memorial Healthcare
Elmhurst Memorial Hospital

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