

ILLINOIS POLLUTION CONTROL BOARD
February 4, 2010

VERNON AND ELAINE ZOHFELD,)
)
Complainants,)
)
v.) PCB 05-193
) (Citizen's Enforcement - Air)
WABASH VALLEY SERVICE COMPANY,)
NOAH D. HORTON, and STEVE KINDER,)
)
Respondents.)

ORDER OF THE BOARD (by A.S. Moore):

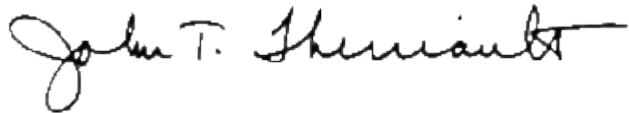
On February 1, 2010, complainants Vernon and Elaine Zohfeld (Complainants) filed a motion for voluntary dismissal (Mot.). The motion states that "Complainants have determined that they no longer wish to pursue this enforcement action against Respondents at this time." Mot. at 1. The motion further states that "Complainants request that this matter now be dismissed by the Board, without prejudice." *Id.*

The Board notes that, as originally filed, the complaint also named as respondents Michael J. Pfister and Bob Drake. In an order dated May 3, 2007, the Board cited unusual circumstances to construe Mr. Pfister's motion for summary judgment as an unopposed motion to dismiss and granted the unopposed motion to dismiss with prejudice. The order also stated that Mr. Pfister's name would no longer appear in the caption of this case. In an order dated September 20, 2007, the Board granted Complainants' motion for voluntary dismissal as to respondent Bob Drake. The order also stated that Mr. Drake's name would no longer appear in the caption of this case.

The Board grants Complainants' motion for voluntary dismissal, dismisses the complaint without prejudice, and closes the docket.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 4, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board