

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ORIGINAL

S&D REALTY, INC.,)	
Petitioner,)	
)	
v.)	PCB 09-33
)	(LUST Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
Respondent.)	

RECEIVED
CLERK'S OFFICE
MAY 10 2010
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING AND PROOF OF SERVICE

TO: Pollution Control Board, Attn: Clerk	James G. Richardson
100 West Randolph Street	Illinois Environmental Protection Agency
James R. Thompson Center, Suite 11-500	1021 North Grand Avenue East
Chicago, Illinois 60601	P.O. Box 19276
	Springfield, Illinois 62794-9276

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

PLEASE TAKE NOTICE that on this day, May 7, 2010, we filed with the office of the Clerk of the Illinois Pollution Control Board an original and nine copies of Petitioner's Unopposed Motion for Voluntary Dismissal, copies of which are enclosed herewith and hereby served upon you.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with copies of the documents described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys at their business addresses as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing same in the U.S. Mail in Worth, Illinois on May 7, 2010.

S&D Realty Inc.

By: Michael Abel
One of its Attorneys

Edward Cohen
Michael Abel
Law Offices of Cohen and Hussien, P.C.
Attorney Number: 39565
Attorneys for Petitioner
11330 S. Harlem Avenue
Worth, Illinois 60482
(708) 361-3030

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UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL

NOW COMES the Petitioner, S&D REALTY, INC., by and through its attorneys, the Law Offices of Cohen & Hussien, P.C., and for its Unopposed Motion for Voluntary Dismissal, states the following:

1. On February 12, 2009, the Petitioner filed its Petition for Review of the Respondent's October 10, 2008, determination that denied the Petitioner reimbursement of \$13,340.08 for tank removal costs and \$98,760.00 for costs which lacked supporting documentation.
2. At this time, the Petitioner moves to voluntarily dismiss the pending Petition for Review.
3. The Respondent has no objection to this Motion.

WHEREFORE, the Petitioner, S&D REALTY, INC., respectfully requests that the Petitioner's Unopposed Motion for Voluntary Dismissal be granted *instanter* and for any other relief deemed just and appropriate.

Dated: May 7, 2010

S&D Realty, Inc.

By: Michael Abel
One of its Attorneys

Edward Cohen
Michael Abel
Law Offices of Cohen and Hussien, P.C.
Attorney Number: 39565
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