

ILLINOIS POLLUTION CONTROL BOARD

January 6, 2011

GRAND PIER CENTER LLC and)	
AMERICAN INTERNATIONAL)	
SPECIALTY LINES INSURANCE CO., as)	
subrogee of GRAND PIER CENTER LLC,)	
)	
Complainants,)	
)	
v.)	PCB 05-157
)	(Citizens Enforcement – Land)
RIVER EAST LLC, CHICAGO DOCK)	
AND CANAL TRUST, CHICAGO DOCK)	
AND CANAL COMPANY and TRONOX LLC,)	
)	
Respondents.)	

TRONOX LLC,)	
)	
Counter-Complainant,)	
)	
v.)	PCB 05-157
)	(Citizens Enforcement – Land)
GRAND PIER CENTER LLC and)	
AMERICAN INTERNATIONAL)	
SPECIALTY LINES INSURANCE CO., as)	
subrogee of GRAND PIER CENTER LLC,)	
)	
Counter-Respondents.)	

ORDER OF THE BOARD (by G.T. Girard):

Today's order grants motions for voluntary dismissal of this citizen complaint and citizen counter-complaint, both with prejudice, and closes the docket. The Board briefly highlights some of this case's procedural history before ruling on the motions.

PROCEDURAL HISTORY

On February 25, 2005, Grand Pier Center LLC and American International Specialty Lines Insurance Co. (complainants) filed a complaint against River East LLC, Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical LLC. The complaint concerns a property known as the "RV3 North Columbus Drive Site," generally located at 200 East Illinois Street in Chicago, Cook County. The Board accepted the complaint for hearing in an order of May 19, 2005. On June 13, 2005, Kerr-McGee Chemical LLC filed a

counter-complaint against complainants. The Board accepted the counter-complaint for hearing in an order of July 21, 2005. Kerr McGee Chemical LLC's name was changed on September 15, 2005, to Tronox LLC.

On February 15, 2007, the Board issued an order granting complainants' motion for default judgment against River East LLC and Chicago Dock and Canal Trust. In that order, the Board reserved ruling on "any penalties or cost recovery to be levied" against River East LLC and Chicago Dock and Canal Trust until resolution of the remaining allegations of the complaint and counter-complaint. PCB 05-157, slip op. at 2 (Feb. 15, 2007). However, on December 21, 2010, complainants filed a motion to voluntarily dismiss their complaint with prejudice (C Mot.). In addition, on December 20, 2010, Tronox LLC filed a motion to voluntarily dismiss its counter-complaint with prejudice (T Mot.).

MOTIONS FOR VOLUNTARY DISMISSAL

Complainants move the Board for voluntary dismissal of the complaint with prejudice. Complainants note that Tronox LLC is concurrently filing a like motion with respect to the counter-complaint. C Mot. at 1. Complainants maintain that an order granting both motions "will resolve all pending claims and will constitute a final disposition of the cause." *Id.* The Board grants complainants' motion to voluntarily dismiss the complaint with prejudice.

Tronox LLC moves the Board for voluntary dismissal of the counter-complaint with prejudice. Tronox LLC notes that complainants are concurrently filing a like motion with respect to the complaint. T Mot. at 1. Tronox LLC represents that an order granting both motions "will resolve all pending claims and will constitute a final disposition of the above-captioned proceeding." *Id.* The Board grants Tronox LLC's motion to voluntarily dismiss the counter-complaint with prejudice.

Having granted both motions for voluntary dismissal with prejudice, the Board closes the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board