

MAY 17 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
HERITAGE COAL COMPANY, L.L.C.)
(f/k/a PEABODY COAL COMPANY, L.L.C.))
)
Respondent.)

PCB No. 99-134
(Enforcement – Water)

ORIGINAL

UNOPPOSED MOTION FOR ADDITIONAL ENLARGEMENT OF TIME

NOW COMES Respondent, HERITAGE COAL COMPANY, L.L.C., through its undersigned attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Stephen F. Hedinger of counsel, and moves this Board through its Hearing Officer to grant an extension of time to and until June 20, 2011 within which for Respondent to file its reply to the response submitted by Complainant to Respondent's motion for partial summary judgment. In support of this motion, Respondent states as follows:

1. As set forth in the Hearing Officer's order entered April 27, 2011, on that date the Hearing Officer granted Complainant's motion for leave to exceed page limits, granted Respondent's motion for leave to file a reply, and granted Respondent's request that the reply be due on or before May 20, 2011.

2. Since filing the motion for leave to file the reply and entry of the Hearing Officer's April 27 order, counsel for Respondent have become aware that serious and severe scheduling and workload conflicts will make it impossible for counsel for Respondent to finalize the reply by the date requested.

3. With the realistic assessment of counsel's upcoming schedule, Respondent requests that the deadline for filing the reply be extended to and until June 20, 2011.

4. Counsel for Respondent has conferred with counsel for Complainant, who advises that Complainant has no objection to this motion. The motion seeks an enlargement of time necessary for Respondent to fully and thoroughly address the arguments and legal and factual authorities discussed in Complainant's motion with respect to the novel issues of first impression raised by the motion for partial summary judgment.

WHEREFORE Respondent, HERITAGE COAL COMPANY, L.L.C., requests that this Board, through its Hearing Officer, grant to Respondent an extension to and until June 20, 2011 within which to file its reply to the response filed by Complainant to Respondent's Motion for Partial Summary Judgment in this matter.

Dated: May 13, 2011

Respectfully submitted,

HERITAGE COAL COMPANY, L.L.C.
(f/k/a PEABODY COAL COMPANY,
L.L.C.), Respondent

By: _____


Stephen F. Hedinger

Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
Stephen F. Hedinger, of Counsel
607 E. Adams St., Suite 800
P.O. Box 5131
Springfield, IL 62705
Telephone: 217.544.1144
Fax: 217.522.3173
E-mail: sfhedinger@sorlinglaw.com

RECEIVED
CLERK'S OFFICE

MAY 17 2011

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, certify that I have served a copy of the foregoing document upon:

Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

Thomas Davis
Office of the Illinois Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706

W.C. Blanton
Husch Blackwell LLP
4801 Main Street
Suite 1000
Kansas City, MO 64112

ORIGINAL

by depositing same in the U.S. Mail, first class, postage prepaid, on this 13th day of May, 2011.

Similarly, the original and three copies were mailed to:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

by depositing same in the U.S. Mail, first class, postage prepaid, on this 13th day of May, 2011.

Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
Stephen F. Hedinger, of Counsel
607 E. Adams St., Suite 800
P.O. Box 5131
Springfield, IL 62705
Telephone: 217.544.1144
Fax: 217.522.3173

By: 

Stephen F. Hedinger
Attorney for Respondent