

BEFORE THE 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.)

RECEIVED
CLERK'S OFFICE
JUL 0 1 2011
STATE OF ILLINOIS
Pollution Control Board

PCB No. 99-134
(Enforcement – Water)

ORIGINAL

ADDITIONAL UNOPPOSED MOTION FOR 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 additional extension of time to and until July 11, 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. By order entered June 21, 2011, the Hearing Officer granted Respondent's previous request that the reply be due on or before June 30, 2011.
2. Since filing the previous motion for enlargement and entry of the Hearing Officer's June 21 order, serious and severe conflicts, primarily of a personal nature, have continued to make it impossible for counsel for Respondent to finalize the reply by the date requested. Respondent's primary counsel's work on the reply continues to be hindered by both personal and professional circumstances.
3. Respondent has made substantial progress toward completion of the reply, despite the impeding circumstances. With a realistic assessment of counsel's upcoming schedules, including the Fourth of July holiday, Respondent requests that the deadline for filing the reply be

extended for an additional eleven days, to and until July 11, 2011. Counsel for Respondent represents that this is the last extension request anticipated for this reply.

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 additional extension to and until July 11, 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: June 29, 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

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

RECEIVED
CLERK'S OFFICE

JUL 01 2011

STATE OF ILLINOIS
Pollution Control Board

by depositing same in the U.S. Mail, first class, postage prepaid, on this 29th day of June, 2011.

Similarly, the original and three copies were mailed to:

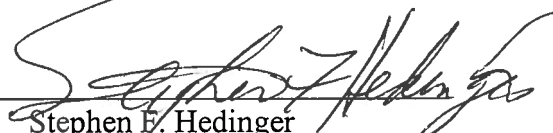
John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

ORIGINAL

by depositing same in the U.S. Mail, first class, postage prepaid, on this 29th day of June, 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