

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

INDIAN CREEK DEVELOPMENT
COMPANY, an Illinois Partnership,
individually as beneficiary under trust 3291
of the Chicago Title and Trust Company
dated December 15, 1981 and the Chicago
Title & Trust Company, as trustee under
trust 3291, dated December 15, 1981,

Complainant,

PCB 2007-044

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY, a
Delaware Corporation,

Respondent.

NOTICE OF FILING

To: All Counsel of Record — See Attached Service List

On August 24, 2011, the following was filed with the Clerk of the Illinois Pollution

Control Board and is served on you:

MOTION TO SUBSTITUTE ATTORNEYS

BNSF RAILWAY COMPANY

Weston W. Marsh
Robert M. Baratta, Jr.
James H. Wiltz
Freeborn & Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677
Phone: 312/360-6000
Fax: 312/360-6520

By:



One of its attorneys

CERTIFICATE OF SERVICE

I, Andrew Foreman, an attorney, hereby certify that on August 24, 2011, before 5:00 p.m., I caused a copy of the foregoing NOTICE OF FILING and MOTION TO SUBSTITUTE ATTORNEYS to be served upon the following attorneys of record ___ by personal service / ___ by fax / X by email / ___ by certified mail / ___ by U.S. Mail by depositing a copy of the same, with proper postage pre-paid, in the U.S. Post Office box located at 55 West Monroe, Chicago, Illinois:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
hallorab@ipcb.state.il.us

Hinshaw & Culbertson
Charles F. Helsten
Richard S. Porter
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MOTION TO SUBSTITUTE ATTORNEYS

Respondent BNSF Railway Company, by its attorneys, Weston W. Marsh, Robert M. Baratta, Jr., and James H. Wiltz of Freeborn & Peters LLP, moves the Board for leave to withdraw as counsel and substitute in Richard T. Sikes, Jr., Pam Nehring, and Andrew Foreman of Daley Mohan Groble, P.C., and in support, states:

1. Weston W. Marsh, Robert M. Baratta, Jr., and James H. Wiltz of Freeborn and Peters, LLP, currently have appearances on file for Respondent.
2. Respondent seeks leave for Mr. Marsh, Mr. Baratta, and Mr. Wiltz to withdraw as counsel and for Richard T. Sikes, Jr., Pam Nehring, and Andrew Foreman of Daley Mohan Groble, P.C., to substitute as counsel of record on behalf of Respondent and file their appearances.

WHEREFORE, Respondent respectfully requests that Weston W. Marsh, Robert M. Baratta, Jr., and James H. Wiltz be given leave to withdraw as counsel and for Richard T. Sikes,

Jr., Pam Nehring, and Andrew Foreman to be given leave to substitute in as counsel of record and file their appearances.

BNSF RAILWAY COMPANY

By:



One of its attorneys

Weston W. Marsh
Robert M. Baratta, Jr.
James H. Wiltz
Freeborn & Peters LLP
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