

ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of: )  
)  
)  
COMMONWEALTH EDISON CO., )  
)  
Complainant, )  
)  
v. )  
)  
FREDERICK K. SLAYTON and ANN )  
VOLE SLAYTON, and CIONI )  
EXCAVATING, INC. )  
)  
Respondents. )

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STATE OF ILLINOIS  
Pollution Control Board

PCB 2012-50  
(Citizens Enforcement – Land)

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**COMPLAINANT COMMONWEALTH EDISON CO.'S**  
**MOTION FOR EXTENSION OF SCHEDULE**

Complainant, Commonwealth Edison Co. ("Com Ed"), by and through its undersigned attorneys, Sidley Austin LLP, hereby moves to extend the scheduling dates in this matter by three months. In support of this motion, Com Ed states as follows:


1. The current schedule, as set forth in the September 10, 2012 Hearing Officer Order, is as follows: (i) deadline for all parties to add other parties to the proceeding to and including December 21, 2012; (ii) discovery, including document requests, interrogatories, requests to admit, depositions and subpoenas, closes on January 25, 2013 (discovery schedule may have to be revisited if parties are added); and (iii) deadline for summary judgment or other dispositive motions must be filed on or before March 25, 2013.
2. On the last telephonic status conference, Com Ed informed the Hearing Officer that there was ongoing motion practice in the companion state court case that could narrow or otherwise affect the scope of the issues in this Board proceeding. Com Ed informed the Hearing Officer that an extension of the schedule would likely be required in this matter. In addition, as Com Ed has noted during prior status conferences, Com Ed deferred discovery earlier this year as a courtesy to Respondents, pending receipt of a settlement offer from Respondent Frederick Slayton. However, Com Ed did not receive any such offer and therefore, the schedule in this matter needs to be extended.

3. Com Ed requests that the schedule in this matter be extended by three months. Com Ed has not discussed this request with Respondents, but has no objection if they would like to file a response to this motion.

For the foregoing reasons, Com Ed hereby moves to extend the schedule in this matter by three months, resulting in the following new schedule: (i) Deadline for all parties to add other parties to the proceeding is March 21, 2013; (ii) Discovery, including document requests, interrogatories, requests to admit, depositions and subpoenas, closes on April 25, 2013 (discovery schedule may have to be revisited if parties are added to the proceeding); and (iii) Summary judgment or other dispositive motions must be filed on or before June 25, 2013.

Respectfully submitted,

Commonwealth Edison Co.

BY:   
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Dated: December 14, 2012

*Counsel for Commonwealth Edison Co.*

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing motion were mailed, on December 14, 2012, to each of the persons on the attached service list.

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