

disclosure of the tax returns, which have not yet been provided to [the People].” Motion at 1. The People add that one of the Assistant Attorneys General assigned to this case is getting married in January 2013. *Id.* The People assert that because of the on-going discovery dispute and the pending nuptials, it would be a “serious hardship” to hold the hearing and close the record by the current deadline. *Id.* at 1-2. The People ask for a 60-day extension of the record-closing deadline. *Id.* at 2.

The Board finds that, as chronicled above, the People have acted in a timely manner in filing this motion and demonstrated that the relief sought by the motion is not a result of any lack of diligence on the part of the People. Further, the People’s motion should come as no surprise to Packaging, which did not respond to the motion and therefore waives any objection to the motion being granted. *See* 35 Ill. Adm. Code 101.500(d). Under these circumstances, the Board grants the People’s motion to extend the date for closing the record and extends the deadline by 60 days as proposed by the People. Accordingly, this record will close no later than April 5, 2013, which is the 60th day after February 4, 2013. The Board’s September 8, 2011 order, which, among other things, imposed civil penalties (Packaging, PCB 04-16, slip op. at 43-44 (Sept. 8, 2011)), continues to be stayed pending final Board action.

The Board directs the hearing officer to expeditiously schedule the supplemental hearing consistent with the new record-closing deadline of April 5, 2013. The Board reminds the parties that the Board set the original 180-day deadline for record closing “[g]iven the narrow scope of the supplemental penalty hearing and to avoid undue delay” (Packaging, PCB 04-16, slip op. at 18 (Mar. 1, 2012)) and urges the parties to proceed expeditiously to hearing.

IT IS SO ORDERED.

Members Glosser and Zalewski Concurred

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2013, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board