

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 23 2013

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS)
)
 Complainant,)
)
 v.)
)
 DIVERSIFIED LABELING SOLUTIONS, INC.,)
 an Illinois corporation,)
)
 Respondent.)
)
)
)

PCB No. 2013-25
(Enforcement – Air)

 ORIGINAL

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on the 23rd day of April, 2013, I filed with the Clerk of the Illinois Pollution Control Board an Agreed Motion for Extension of Time for Diversified Labeling Solutions, Inc. to Answer Complaint, a copy of which is attached hereto and is hereby served upon you.

DIVERSIFIED LABELING SOLUTIONS, INC.

By: 
 TIMOTHY RAMSEY
 Ungaretti & Harris LLP
 Three First National Plaza
 70 West Madison Street, Suite 3500
 Chicago, Illinois 60602-4224
 (312) 977-4428

DATE: April 23, 2013

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CERTIFICATE OF SERVICE

I, TIMOTHY RAMSEY, an attorney for Diversified Labeling Solutions, Inc., do certify that I caused to be mailed this 23rd day of April, 2013, the foregoing Agreed Motion for Extension of Time for Diversified Labeling Solutions, Inc. to Answer Complaint, and Notice of Filing, by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 70 West Madison, Chicago, Illinois, as indicated on the service list upon the persons listed on said notice.

DIVERSIFIED LABELING SOLUTIONS, INC.
By: Timothy Ramsey
TIMOTHY RAMSEY
Ungaretti & Harris LLP
Three First National Plaza
70 West Madison Street, Suite 3500
Chicago, Illinois 60602-4224
(312) 977-4428

SERVICE LIST

Bradley Halloran
Chief Hearing Officer
Illinois Pollution Control Board
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Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

Maureen Wozniak
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

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**AGREED MOTION FOR EXTENSION OF TIME FOR
DIVERSIFIED LABELING SOLUTIONS, INC.
TO ANSWER COMPLAINT**

Complainant, People of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois ("People"), and Respondent, Diversified Labeling Solutions, Inc. ("Diversified"), by and through its counsel, Ungaretti & Harris LLP, respectfully request that the Illinois Pollution Control Board (the "Board") grant an extension of time for Diversified to answer, pursuant to 35 Ill. Adm. Code § 103.204(d), the Complaint filed by the People against Diversified. In support thereof, the People and Diversified state as follows:

1. On December 6, 2012, the People filed its Complaint with the Board. Service of the Complaint was effected by certified mail, received by Diversified on December 10, 2012.
2. On December 21, 2012, the People and Diversified filed an Agreed Motion for Extension of Time requesting that the date required for Diversified to answer the Complaint be extended to April 8, 2013. The People and Diversified stated in that Agreed Motion that they were making good and substantial progress toward settlement of the People's allegations in the Complaint.

Pursuant to Hearing Officer Order entered on January 9, 2013, the Board's Hearing Officer granted the Agreed Motion and extended the date for Diversified to answer the Complaint to April 8, 2013.

3. On February 13, 2013, the People and Diversified participated in a telephonic status conference with the Board's Hearing Officer, stated that settlement discussions were proceeding and stated that they were optimistic that settlement could be reached. The People and Diversified made an oral motion in that status conference that the date required for Diversified to answer the Complaint be extended to June 3, 2013. Pursuant to Hearing Officer Order entered on February 14, 2013, the Board's Hearing Officer granted that oral motion.

4. On April 15, 2013, the People, the Illinois Environmental Protection Agency and Diversified filed a Stipulation and Proposal for Settlement with the Board which establishes terms and conditions for settlement of the People's allegations in the Complaint, subject to Board approval. Also on April 15, 2013, the People filed a Motion to Request Relief from Hearing Requirement with respect to the Stipulation and Proposal for Settlement. The Board has not yet ruled on the Stipulation and Proposal for Settlement or the Motion to Request Relief from Hearing Requirement.

5. Based on the Board's procedures for settlement including required public notice of the Stipulation and Proposal for Settlement, the settlement procedures may not be completed by June 3, 2013.

6. Based on the filing of the Stipulation and Proposal for Settlement, extension of the date required for Diversified to answer the Complaint is justified in order to avoid the burden and expense that would be imposed on Diversified by filing an answer, which will be unnecessary if the Board approves the Stipulation and Proposal for Settlement.

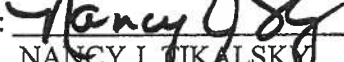
7. The People and Diversified hereby request that the Board extend for 60 days, to August 2, 2013, the date required for Diversified to answer the Complaint in order to allow sufficient time for completion of the steps required to complete the proposed settlement.

8. This Motion is not being brought for purposes of undue delay, is brought in good faith, and will not prejudice any party to this proceeding.

WHEREFORE Complainant, People of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and Respondent, Diversified Labeling Solutions, Inc., respectfully request that an Order be entered extending the deadline for Diversified Labeling Solutions, Inc. to answer the Complaint for sixty (60) days, *i.e.*, until August 2, 2013.

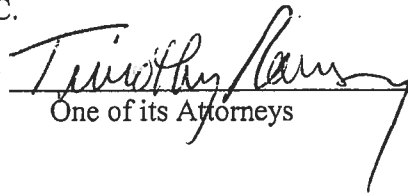
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS by
LISA MADIGAN, Attorney General of the
State of Illinois

By: 

NANCY J. WIKALSKI
Assistant Attorney General
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
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DIVERSIFIED LABELING SOLUTIONS,
INC.

By: 

One of its Attorneys

Timothy Ramsey
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