

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	PCB No. 13-035
v.)	PCB No. 13-036
)	(Enforcement -- Air)
THE BOARD OF TRUSTEES OF THE)	(Consolidated)
UNIVERSITY OF ILLINOIS, a body)	
corporate and politic,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

TO:

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

Jennifer A. Van Wie
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General's Office
 69 W. Washington Street, Suite 1800
 Chicago, IL 60602

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, Respondent's **NOTICE OF ELECTRONIC FILING, FIRST JOINT STATUS REPORT** and **CERTIFICATE OF SERVICE**, copies of which are attached herewith served upon you.

Respectfully submitted,

ICE MILLER, LLP

By: /s/ Thomas W. Dimond
 One of its Attorneys

Date: May 16, 2013

Thomas W. Dimond

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FIRST JOINT STATUS REPORT

Pursuant to the April 18, 2013 Order of the Illinois Pollution Control Board (“Board”), Complainant People of the State of Illinois (“State”), and Respondent, The Board of Trustees of the University of Illinois (“University”), by their respective attorneys, hereby provide this First Joint Status Report.

1. The Board’s April 18, 2013 Order granted a stay of this matter and required the parties to file separate status reports every 30 days. Counsel for the parties have conferred and agreed upon this First Joint Status Report.

2. On January 3, 2013, the University initiated suit in the Circuit Court of Cook County, *The Board of Trustees of the University of Illinois v. Illinois Environmental Protection Agency, et al.*, No. 13-CH-162. The University’s action in the Circuit Court seeks a declaratory judgment that jurisdiction over the State’s claims against the University rests solely with the Illinois Court of Claims.

3. The State filed a motion to dismiss the University's complaint for declaratory relief in the Circuit Court on February 4, 2013 on both Section 2-615(a) and Section 2-619 grounds. A briefing schedule and hearing were established, and the motion was fully briefed.

4. Prior to the April 15, 2013 hearing on its motion, the State withdrew the portion of its motion to dismiss based on Section 2-619.

5. At the April 15, 2013 hearing on the State's motion, Judge Sophia H. Hall of the Circuit Court of Cook County declined to rule on the State's Section 2-615(a) motion to dismiss. Instead, Judge Hall ordered the State to file a motion for judgment on the pleadings pursuant to Section 2-615(e), and granted the University leave to file its own Section 2-615(e) motion. Judge Hall set the following briefing schedule:

- The State has until May 1, 2013 to file a motion for judgment on the pleadings and brief in support.
- The University has until May 22, 2013 to respond and to file a cross-motion for judgment on the pleadings.
- The State has until June 11, 2013 to reply and to respond to any cross-motion.
- The University has until July 5, 2013 to reply.
- A hearing on the State's motion and any cross-motion was set for July 15, 2013.

6. The State filed its motion for judgment on the pleadings and supporting brief on May 1, 2013. The University is in the process of responding to the State's motion and drafting its own cross-motion for judgment on the pleadings, and will file its combined response and cross-motion on or before May 22, 2013.

Date: May 16, 2013

Respectfully Submitted,

**THE BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS**

By: /s/ Thomas W. Dimond
One of Its Attorneys

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PEOPLE OF THE STATE OF ILLINOIS,
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MATTHEW J. DUNN, Chief
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By: /s/

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on May 16, 2013, true and accurate copies of the foregoing were served upon the following counsel, at the address indicated below, by e-mail and/or U.S. Mail:

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