

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PEOPLE OF THE STATE OF)	
ILLINOIS,)	
)	
Complainant,)	
)	PCB 2010-061 and 2011-002
ENVIRONMENTAL LAW AND)	(Consolidated – Water –
POLICY CENTER, on behalf of PRAIRIE)	Enforcement)
RIVERS NETWORK and SIERRA CLUB,)	
ILLINOIS CHAPTER,)	
)	
Intervenor,)	
)	
v.)	
)	
FREEMAN UNITED COAL)	
MINING CO., L.L.C., and)	
SPRINGFIELD COAL COMPANY, L.L.C.,)	
)	
Respondents.)	

SPRINGFIELD COAL COMPANY, LLC’S, AND FREEMAN UNITED COAL MINING, CO., LLC’S SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO THE INTERVENORS’ DISCOVERY REQUESTS

Respondents Springfield Coal Company, LLC (“Springfield Coal”) and Freeman United Coal Mining Co., LLC (“Freeman United”) (collectively, “Respondents”), pursuant to 35 Ill. Adm. Code 101.522, hereby file this Second Motion for Extension of Time to Respond to the Intervenor’s Requests to Admit, Interrogatories, and Requests for Production of Documents to Springfield Coal and Freeman United (“Intervenor’s Discovery Requests”). Respondents request an extension of time to respond to the Intervenor’s Discovery Requests for an additional thirty (30) days, until and including, Monday, July 22, 2013. In support of this Motion, Springfield Coal and Freeman United state as follows:

1. On or around April 23, 2013, the Intervenors submitted the Intervenors' Discovery Requests to Springfield Coal.
2. On or around April 23, 2012, the Intervenors submitted the Intervenors' Discovery Requests to Freeman United.
3. Included in the Intervenors' Discovery Requests to Springfield Coal are thirteen (13) requests to admit (some with multiple subparts), twenty (20) interrogatories, and twenty-four (24) requests for production of documents.
4. Included in the Intervenors' Discovery Requests to Freeman United are three (3) requests to admit, fifteen (15) interrogatories, and twenty-one (21) requests for production of documents.
5. On May 9, 2013, the Respondents filed a Motion for Extension of Time to Respond to the Intervenors' Requests to Admit, Interrogatories, and Requests for Production of Documents.
6. On May 13, 2013, the Hearing Officer granted the Respondents' Motion for Extension of Time.
7. 35 Ill. Adm. Code 101.522 allows a party to obtain an extension of time for filing any document or doing any act which is required after giving notice to the opposing party and for good cause.
8. Pursuant to 35 Ill. Adm. Code 101.522, counsel for the Respondents have attempted to reach out to counsel for the Intervenors to discuss the request for an additional thirty (30) day extension. Specifically, on Tuesday, June 4, 2013, Dale Guariglia, counsel for Springfield Coal, contacted Jessica Dexter, counsel for the Intervenors, via telephone. Mr.

Guariglia left a voice mail message for Ms. Dexter to call him regarding this matter, and to date, Ms. Dexter has yet to return Mr. Guariglia's phone call.

9. Importantly, the parties have been involved in substantive settlement discussions. On April 9, 2013, Respondent Springfield Coal met with the State of Illinois ("State") and proposed a settlement offer to settle the entire case. Respondent Springfield Coal has had several discussions with the State since the April 9, 2013 meeting regarding the offer, and the State has had both internal conversations and discussions with the Intervenors regarding the offer. However, over two months has now passed, and the State and the Intervenors have not yet responded to the offer. Respondents hope to avoid spending time and resources responding to discovery if this case can be settled. By granting an additional thirty (30) day extension, the parties can continue to focus on the settlement negotiations.

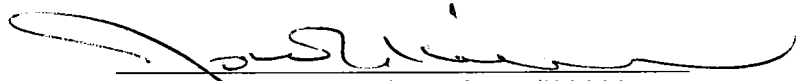
10. The extension will not harm the Intervenors or any other party because, among other reasons, the Hearing Officer specifically stated during the status conference on May 13, 2013, that a tentative hearing date was scheduled for August 20, 2013. If the Respondents' Motion for Extension of Time is accepted, the Respondents' discovery responses would be due on July 22, 2013, approximately one month before the hearing date.

11. The Respondents' requested extension is not made for the purpose of undue delay, and will not prejudice the interests of any party to this case. At most, the parties may choose to postpone the hearing date to allow for additional time for discovery. Importantly, the parties can continue engaging in settlement negotiations that have, to date, been successful.

WHEREFORE, Respondents Springfield Coal and Freeman United respectfully request that the Illinois Pollution Control Board grant Respondents' second request for an extension of time to respond to the Intervenor's Discovery Requests for an additional thirty (30) days, until and including, Monday, July 22, 2013.

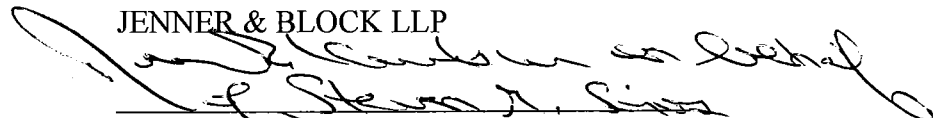
Respectfully submitted,

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Consolidated – Water – Enforcement

NOTICE OF ELECTRONIC FILING

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PLEASE TAKE NOTICE that on June 11, 2013, I electronically filed with the Clerk of the Pollution Control Board, Springfield Coal Co., LLC's and Freeman United Coal Mining, Co., LLC's Second Motion for Extension of Time to Respond to Intervenors' Discovery Requests, copies of which are herewith served upon you.

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