

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 13-35
)	PCB No. 13-36
THE BOARD OF TRUSTEES OF THE)	(Enforcement – Air)
UNIVERSITY OF ILLINOIS, a body corporate)	CONSOLIDATED
and politic,)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached service list
 (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Second Joint Status Report, a copy of which is attached hereto and herewith served upon you.

LISA MADIGAN
Attorney General
State of Illinois


JENNIFER A. VAN WIE

Dated: June 17, 2013

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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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.)	

SECOND 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 Second 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 Second 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. On May 1, 2013, the State filed its Motion for Judgment on the Pleadings and supporting brief.

7. On May 22, 2013, the University filed its Motion for Judgment on the Pleadings, along with its Combined Brief in Support of Its Cross-Motion and Response to Defendants' Motion.

8. On June 11, 2013, the State filed its Reply in Support of Its Motion for Judgment on the Pleadings and Response in Opposition to the University's Cross-Motion for Judgment on the Pleadings.

9. The University has until July 5, 2013 to reply to the State's Response on the University's Cross-Motion for Judgment on the Pleadings.

Dated: June 17, 2013

Respectfully Submitted,

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

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: /s/ Jennifer A. Van Wie
JENNIFER A. VAN WIE

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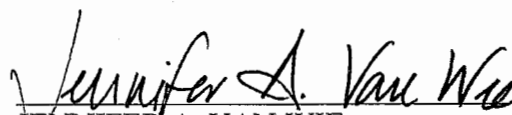
**THE BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS**

By: /s/ [Signature]
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Second Joint Status Report and Notice of Filing by electronic mail upon the persons listed on the service list at their listed respective email addresses.



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Date: June 17, 2013