

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

Complainant, )

v. )

THE BOARD OF TRUSTEES OF THE )  
UNIVERSITY OF ILLINOIS, a body )  
corporate and politic, )

Respondent. )

PCB No. 13-035  
PCB No. 13-036  
(Enforcement – Air)  
(Consolidated)

**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, THIRD JOINT STATUS REPORT** and **CERTIFICATE OF SERVICE**, copies of which are attached herewith served upon you.

Respectfully submitted,

ICE MILLER, LLP

By: /s/ Nicholas A. Casto  
One of its Attorneys

Date: July 17, 2013

Thomas W. Dimond

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by LISA MADIGAN, Attorney General	)	
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UNIVERSITY OF ILLINOIS, a body	)	
corporate and politic,	)	
	)	
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**THIRD 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 Third 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 Third 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. On July 3, 2013, the University filed its Reply in Support of Its Cross-Motion for Judgment on the Pleadings.

10. On July 15, 2013, the parties argued their motions before Judge Hall. Judge Hall took the matter under advisement, and set the motions for decision on September 13, 2013 at 11:00 a.m.

Date: July 17, 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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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on July 17, 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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/s/ Nicholas A. Casto  
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