

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 PROFESSIONAL SWINE MANAGEMENT, )  
 LLC, an Illinois limited liability corporation, )  
 HILLTOP VIEW, LLC, an Illinois limited )  
 liability corporation, WILDCAT FARMS, LLC, )  
 an Illinois limited liability corporation, )  
 HIGH-POWER PORK, LLC, an Illinois limited )  
 liability corporation, EAGLE POINT FARMS, )  
 LLC, an Illinois limited liability corporation, )  
 LONE HOLLOW, LLC, an Illinois limited liability )  
 corporation, TIMBERLINE, LLC, an Illinois )  
 limited liability corporation, PRAIRIE STATE )  
 GILTS, LTD, an Illinois corporation, LITTLE )  
 TIMBER, LLC, an Illinois limited liability )  
 corporation, )  
 Respondents. )

PCB NO. 10-84  
(Enforcement)

**NOTICE OF ELECTRONIC FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on August 2, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a COMBINED RESPONSE TO RESPONDENTS' MOTIONS TO SEVER, a copy of which is attached hereto and herewith served upon you.

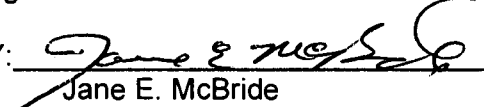
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

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State of Illinois

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BY:   
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Sr. Assistant Attorney General  
Environmental Bureau

**CERTIFICATE OF SERVICE**

I hereby certify that I did on August 2, 2013, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled COMBINED RESPONSE TO RESPONDENTS' MOTIONS TO SEVER upon the persons listed on the Service List.

  
\_\_\_\_\_  
JANE McBRIDE  
Sr. Assistant Attorney General

This filing is submitted on recycled paper.

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COMBINED RESPONSE TO RESPONDENTS' MOTIONS TO SEVER

NOW COMES Complainant, People of the State of Illinois, *ex rel* Lisa Madigan,  
Attorney General of the State of Illinois, and responds in this single filing to each Respondents'  
Motion to Sever as follows:

**Introduction**

1. Each of the Facility Respondents (all Respondents except Professional Swine  
Management), except for Wildcat Farms, LLC which has an agreed extension of time in which to  
answer, has filed a motion to sever the count concerning their facility from the other counts in the

complaint.

2. Respondents rely on the following authority for their argument that the individual counts should be severed from the complaint.

A. Section 41 of the Illinois Environmental Protection Act, 415 ILCS 5/41, includes the following provision:

(a) Any party to a Board hearing, any person who filed a complaint on which a hearing was denied, any person who has been denied a variance or permit under this Act, any party adversely affected by a final order or determination of the Board, and any person who participated in the public comment process under subsection (8) of Section 39.5 of this Act may obtain judicial review, by filing a petition for review within 35 days from the date that a copy of the order or other final action sought to be reviewed was served upon the party affected by the order or other final Board action complained of, under the provisions of the Administrative Review Law, as amended and the rules adopted pursuant thereto, ***except that review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not in the Circuit Court.*** . . . (Emphasis added.)

B. Section 101.600 of the Board procedural rules, 35 Ill. Adm. Code 101.600 provides as follows:

. . . The hearings are generally held in the county in which the source or facility is located unless otherwise ordered by the hearing officer. . . .

C. Section 2-405(b) of the Illinois Rules of Civil Procedure, 735 ILCS 2-405(b), provides as follows:

Joinder of defendants.

(a) Any person may be made a defendant who, either jointly, severally, or in the alternative, is alleged to have or claim an interest in the controversy, or in any part thereof, or in the transaction or series of transactions out of which the controversy arose, or whom it is necessary to make a party for the complete determination or

settlement of any question involved therein, or against whom a liability is asserted either jointly, severally or in the alternative arising out of the same transaction or series of transactions, regardless of the number of causes of action joined.

(b) It is not necessary that each defendant be interested as to all the relief prayed for, or as to every cause of action included in any proceeding against him or her, but the court may make any order that may be just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which such defendant may have no interest.

D. Section 101.408 of the Board procedural rules, 35 Ill. Adm. Code 101.406, provides as follows:

**Severance of Claims**

Upon motion of any party or on the Board's own motion, in the interest of convenience, expedition, and complete determination of claims, and where no material prejudice will be caused, the Board may sever claims involving any number of parties.

E. Section 101.601 of the Board's procedural rules, 35 Ill. Adm. Code 101.601, provides as follows:

**Notice of Board Hearings**

a) The Clerk will provide notice of all hearings, except for administrative citation hearings, in a newspaper of general circulation in the county in which the facility or pollution source is located, or where the activity in question occurred.

**Response to Respondents' Argument based on Section 41 of the Illinois Environmental Protection Act, 415 ILCS 5/41**

3. It is Complainant's position that the language of Section 41 of the Act that indicates judicial review of final Board orders is afforded directly to the Appellate Court is a venue provision, not a jurisdiction provision. Whereas customary review of administrative orders is with the Circuit Court, the Act established judicial review of Board orders with the

Appellate Courts. In the instant matter, depending upon the basis for the appeal, the party(ies) filing the appeal would have their choice of districts and that choice may be challenged by one or more of the other parties. As set forth below, the obvious choice, even at this early date, might be the Third District in that Respondent Professional Swine Management's headquarters is in Carthage and the location of the first violations (dating back to 2004), Little Timber, is in Hancock County.

**Response to Respondents' Argument That the Counts are Unrelated**

4. Respondent Professional Swine Management, based on all available information and evidence, operates and manages these facilities. These facilities are all on Professional Swine Management's organization chart, housing either the organization's sow stock or serving as feeder operations for hogs owned by Respondent Professional Swine Management. The individual tasked with environmental concerns at all of the facilities was, and still is, a Professional Swine Management employee. All Illinois EPA communications, relations, directives and correspondence concerning these facilities are with Respondent Professional Swine Management.

5. In that Professional Swine Management has ownership in (the entity owns the hogs) and management and operational control of each of the nine facilities that are the subject of the instant matter, they are a named Respondent in each of the nine counts. Given that these facilities in fact exist as the form and function of the entity of Professional Swine Management, the actions that have resulted in allegations of violation at the various facilities are very much related as to Respondent Professional Swine Management. (The counts number nine. Complainant inadvertently dropped the ninth count in the most recent amendment. Complainant

will move for leave to re-instate the count against North Fork in that the settlement concerned the facility respondent only, not Respondent Professional Swine Management.).

6. The individual facility limited liability corporations were included in this action as named respondents because they have an ownership interest in the properties. As such, they are necessary parties.

7. Actions that resulted in repeat violations between the facilities can be attributed to Respondent Professional Swine Management. A clean-out was mowed over at the Prairie States Gilts facility that resulted in a discharge in July of 2008, and a clean out was mowed over at the Wildcat facility which resulted in a discharge in September 2008. Other repeat allegations include allegations concerning leachate from compost structures (Little Timber and Timberline), discharges from perimeter tiles (Eagle Point and North Fork Pork), and failure to timely clean up a release thus perpetuating a water pollution hazard (Wildcat, Lone Hollow and Prairie State Gilts).

8. It is common in environmental matters, particularly at the federal level, for a suit to be filed against an entity that has facilities nationwide alleging violations at the various facilities throughout the country. This practice is not unheard of in state actions as well. *People v. L. Keller Oil Properties, Inc.*, PCB 93-58, (October 20, 1994) (concerning six sites in the following counties: Jefferson (Fifth Appellate District), Coles (Fourth Appellate District), Madison (Fifth Appellate District), Piatt (Fourth Appellate District), Marion (Fifth Appellate District)); *People v. Clark Oil & Refining Corporation*. PCB 93-250 (September 5, 1996) (two sites, Hartford, Madison County (Fifth Appellate District) and Blue Island, Cook County (First Appellate District)).



9. As noted by Respondents, Clark Oil moved to sever in the matter of *People v.*

*Clark Oil & Refining Corporation*. PCB 93-250 (February 3, 1994) and the motion was denied:

Though the Board cannot disagree that the People of the State will be better served by a hearing in Cook County, in the interest of administrative economy, the Board denies Clark's motion. The allegations in Count IV are factually identical for the Blue Island and the Wood River facilities. Creation of a separate docket for the Blue Island facility would require duplication of effort on the part of the Agency, the Attorney General, the Board and Clark.

In the *Clark* matter, the violations alleged in Count IV at the two sites were the failure to include benzene and toluene toxic release forms. In the instant matter, as set forth above, some of the factual allegations at the various facilities are similar if not identical (discharges resulting from mowed over clean out pipes, perimeter tile discharges, compost structure leachate discharges, failure to timely clean up discharges). In the instant matter, the facilities are not on two distant ends of the state, but in neighboring counties.

10. All of the Respondents in the instant matter have a nexus with Hancock County in that they all share the same registered agent. Mr. Donley, located at the Carthage address for Professional Swine Management, is currently the registered agent for all of the facilities and Professional Swine Management – save North Fork Pork. North Fork Pork has severed its operation from Professional Swine Management. However, North Fork Pork is located in Hancock County. At all times relevant to the complaint, all of the facilities were managed and operated by and considered part of the Professional Swine Management organization structure. Professional Swine Management is headquartered in Carthage.

**Response to Respondents' Argument That A Finding Against One Respondent  
Would Create A Negative Inference**

11. Respondents Lone Hollow, High Power and Prairie States claim that a finding of

violation against one of the other Respondents would create an impermissible negative inference toward any one of them on the claims alleged against them. Complainant trusts this means a finding against Professional Swine Management regarding the allegations brought against Professional Swine Management and either of the three facilities would create a negative inference against the facility LLC

12. It is Complainant's position that the Board is perfectly capable of hearing and weighing evidence regarding who was responsible for and has liability for what actions, or inaction, at each of the subject facilities and is capable of fairly determining liability among the named Respondents based on standards set forth in the Illinois Environmental Protection Act.

**Response to Respondents' Argument Regarding Notice and Location of Hearing,  
35 Ill. Adm. Code 101.600 and 101.601**

13. Section 101.600 of the Board procedural rules, 35 Ill. Adm. Code 101.600, clearly provides for discretion on the part of the hearing officer. Often in matters before the Board, counsel for both parties call upon this discretion to allow a hearing to be held in a location most convenient for the parties, such as Springfield when the offices of counsel and the Board are located in Springfield.. The language of the rule includes the term "generally" and the complete provision allows for discretion on the part of the hearing officer. Therefore, there is no absolute mandate as to the location of the hearing.

14. With regard to the hearing location, it is Complainant's position that the savings realized in the judicial economy and efficiency of hearing this case in one location are significant and must be taken into consideration in this matter. Professional Swine Management and its facility LLCs must not be allowed to distort the procedural posture of this matter on the basis of

the convoluted business organization they have created in the integration of this swine operation. The reality of this case is simple, these facilities constitute a portion of Professional Swine Management's swine production operation. The alleged violations that took place at each facility are violations that are attributable to Respondent Professional Swine Management's management and operational control of the facilities. The facility LLCs are necessary parties in that they own the physical facility.

15. As stated about, all of the Respondents in the instant matter (except North Fork Pork) share the same registered agent who is an employee of Professional Swine Management stationed at the entity's headquarters in Carthage. The allegations concerning North Fork in this matter are now relevant only as to Professional Swine Management. North Fork is located in Hancock County. It would be the Complainant's position that, thus, Hancock County is a logical choice for the hearing location, unless, of course, when the time comes, since all counsel and the Board are based out of Springfield, counsel elect to request that the hearing be held in Springfield.

16. Similarly, the notice provision of Section 101.601 of the Board's procedural regulations does not present insurmountable issues. Notice could be published in all four counties. As set forth above, the Board has accommodated multi-county cases in the past and most likely has established a procedure to handle the notice requirements in such matters.

**Response to Respondents' Argument Claiming Material Prejudice  
and Regarding Provisions of 35 Ill. Adm. Code 101.408**

17. Respondents' claim that the facilities will be substantially prejudiced because they will have to devote significant time and resources, including litigations costs, to the proceedings

for all nine counts. Respondents claim that the Complainant has “improperly consolidated claims arising from eight separate and unrelated events”. Respondents claim that a finding against one party will create an impermissible negative inference toward other parties.

18. Each of the individual facility LLCs are involved in this action only to the extent of the allegations against it. The allegations against any one facility LLC are clearly set forth in one individual count. With regard to discovery, the facility is only obligated to produce documents in its possession and control that are responsive to the request, or answer interrogatories or deposition questions with information in its possession and control. Now, if it has information regarding the other facilities, this goes to the point that these facilities are part of an overall Professional Swine Management business organization and they should be required to produce any such information in this matter. These facilities cannot have it both ways – they cannot claim independence and yet be managed, operated, included in the organizational structure, and house hogs belonging to the umbrella business organization.

19. The individual Respondents will not be involved in discovery or litigation regarding the other facilities, beyond the extent to which they are actually involved with the other facilities. If they truly are independent of one another, they will only be responding to the allegations in the single count. By pleading a single count for each facility, the individual facility LLCs have been given notice of the allegations against the subject facility. They are not named in the other counts; there is no allegation against them in the other counts.

20. Complainant has responded to the other arguments of material prejudice, that being the alleged improper consolidation of claims, the allegation that the events that are the basis for each count are unrelated, and the claim that a finding against one party will create an

impermissible negative inference toward other parties, in prior paragraphs. Respondents cannot be arguing that a finding against one of the LLCs will create an impermissible negative inference regarding allegations against one of the other LLCs? Again, the Board is perfectly capable of hearing and weighing the evidence so as to determine liability among the parties regarding any allegation of violation.

21. Each individual facility need only attend the portion of the hearing pertaining to it. As is often done with individual witnesses, a hearing can be structured to handle testimony pertinent to the witness' portion of the hearing or with regard to particular allegations on a single day so as not to cause undue expense. The same could be true with the individual facilities. Testimony and the presentation of evidence regarding the allegations against the facility can be scheduled to make it as convenient and economical as possible for each individual facility LLC. Complainant does not see that nine individual cases, set at nine different times, in the first place would be appropriate due to the fact the counts are related with respect to Professional Swine Management, but secondly, pertinent to this argument, would be less costly or more efficient. As cited by Respondent, the Board does not sever claims when severing results in multiple hearings on the same violations concerning the same parties and the same facility. *People v. Community Landfill Co., Inc.* PCB 03-191 (Mar. 15, 2007). The Board also spoke to this point in its *Clark* decision, quoted above, PCB 93-210 (February 3, 1994). Severing the counts would mean the Professional Swine Management would need to participate in multiple hearings rather than one. Severing the case would result in a significant duplication of effort as well as judicial inefficiencies.

22. On the foregoing grounds, Complainant contends that the Respondents'

arguments regarding material prejudice are wholly without merit, and, in fact, severing the case would result in material prejudice to Complainant. With regard to Respondent Professional Swine Management, all of these facilities are part of its umbrella swine production operation and thus all of the counts are related as to the actions of Professional Swine Management. Should the counts be severed, the Complainant would suffer material prejudice with regard to its case against Professional Swine Management because it would not be allowed to properly present its allegation of multiple and repeat violations by this Respondent among the various facilities. A single presentation of evidence regarding the allegations at each facility, augmented by additional evidence regarding the various lines of responsibility between the two responsible parties, is the appropriate and most economical and efficient means to approach this case.

**Response to Respondents' Argument Regarding the Principles of Joinder  
and Provisions of 735 ILCS 5/2-405**

23. It is Complainant's position that the instant matter is exactly the kind of case that the joinder provisions (735 ILCS 5/2-405 (a) and (b)) of the Illinois Rules of Civil Procedures are meant to address. In this matter, there is a party who manages and operates these facilities, houses hogs in the facilities and includes them (the facilities and the hogs) in its organizational chart, but does not own the physical property. The facility LLCs own the physical property. Professional Swine Management is not going to place its hogs in a facility at which it is devoid of control. Both parties are necessary parties to the claims set forth. Each count, delineating allegations pertinent to only one facility per count, sets out the factual allegations and allegations of liability. In that both entities have responsibility for the subject facility, both are named respondents.

24. As stated in Section 2-405(b), the court may make any order that may be just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which such defendant may have no interest. The language indicates the court may make "any order". This is not necessary an order granting severance. As noted above, the hearing can be set up, by order of the hearing officer, so as to avoid unnecessary expense by allowing a facility to appear during a specified portion of the hearing. The court may issue orders regarding discovery objections if the Respondents believe discovery requests to be too broad.

25. Respondents make much of their assertion that each count concerns a separate and distinct transaction and set of facts, and thus violate the joinder provision of Section 2-405. As stated above, Complainant's first premise is that the counts are indeed related as to Respondent Professional Swine Management. Arguments based on this position are set forth in detail above.

26. A review of the case law would indicate that the courts have severed cases when the transactions, sets of facts, and theories of law at issue are significantly divergent and unrelated. In the instant matter, the counts are related and concern similar if not identical violations. Respondents cite *Cook v. General Electron Company*, 146 Ill.2d 548 (1992), holding cases should be severed when "disparate issues would make a joint trial overly complicated." The complexity and lack of related claims in the cases where courts have upheld severance are significantly divergent and as such can be distinguished from the instant matter.

27. As stated in the case of *Denzel v County of Cook*, 65 Ill.App.3d 286, 287-288 (1<sup>st</sup> Dist 1978), in reviewing the propriety of joining defendants, the Illinois Supreme Court has stated "the determining factors are that the claims arise out of closely related "transactions" and

that there is in the case a significant question of law or fact that is common to the parties. *City of Nokomis v. Sullivan*, 14 Ill.2d 417, 420 (1958). The *Denzel* case concerned two automobile accidents, each accident entailed a different defendant, that took place 21 months apart. The *Denzel* court in upholding severance found most significant to its decision the issue as to whether the plaintiff had specifically pled that an injury caused in the first accident was impacted by the second accident, thereby warranting consideration of a question of fact common to the defendants.

28. In the instant matter, the Complainant has very specifically pled violations, starting in 2004 at the Little Timber facility, that are repeated on later dates, in some instances with regard to a very similar set of facts, at other facilities under the operation, management and control of Respondent Professional Swine Management.

29. In the case of *Jafke v. Anderson*, 162 Ill.App.3d 290, 294 (2d Dist. 1987), the court found that plaintiffs' original complaint against funeral home defendants and newspaper defendants arose from separate and distinct series of transactions. The libel counts against the newspaper defendants related to articles appearing in the newspaper which stated that the plaintiffs had made misrepresentations in their sale of headstones. Plaintiffs' original complaint did not alleged that the funeral home defendants were in any way involved in the allegedly libelous publications of the newspaper. There was also a slander count against one of the funeral home defendant, but it related to another incident, as did a slander count against one of the newspaper defendants. The court found that none of the counts directed against the newspaper defendant arose from the same transactions or series of transaction as the counts directed against the funeral home defendants, which alleged antitrust violations, restraint of trade, interference



with contract, intentional infliction of emotional distress and loss of consortium. The court upheld the trial court's determination that the separate claims and defendant were misjoined.

30. Unlike the *Jafke* case where very distinct and different theories and questions of law are included in a single case, the instant case concerns violation of the State's water pollution and agriculture-related pollution regulations, including the State's National Pollutational Discharge Elimination System ("NPDES") permit regulations, and in some instances repeat violations of the same provisions, only. There are no divergent questions or theories of law. As set forth specifically above, some of the factual allegations and allegations of violation are similar if not identical from count to count. These allegations do not concern the very same site, incident or time, but the factual basis and violation are the same.

31. Section 2-405(a) states:

Any person may be made a defendant who, either jointly, severally, or in the alternative, is alleged to have or claim an interest in the controversy, or in any part thereof, or in the transaction or series of transactions out of which the controversy arose, or whom it is necessary to make a party for the complete determination or settlement of any question involved therein, or against whom a liability is asserted either jointly, severally or in the alternative arising out fo the same transaction or series of transactions, regardless of the number of causes of action joined.

In the instant action, Professional Swine Management was involved in each of the counts, the facility LLCs have been brought in as necessary parties, and the factual basis for each count is a discharge or release, or multiple discharges or releases. The facility LLCs must be joined for there to be a complete determination of liability. As to Professional Swine Management, the counts represent both individual transactions and a series of transactions that serve as the factual basis for the alleged violations against Professional Swine Management. Joinder of the parties, as pled, is proper, appropriate and necessary for a complete determination of liability.

32. A slightly more detailed look at the facts of the cases relied upon by Respondent distinguishes these cases from the instant matter. A simple review of each case cited, follows.

33. In the case of *Rogala v. Silve*, 16 Ill.App.3d 63, 67 (1<sup>st</sup> Dist. 1973), in Count I the husband and wife plaintiffs sought damages for a hospital and doctor on the theory of breach of warranty regarding a sterilization surgery. In Count II, the wife sought damages on the ground of mental distress resulting from the doctor's attempts to induce her to undergo an abortion. The court upheld severance on the basis that the two counts were based on separate transactions, involved different parties and were based upon different theories.

34. The case of *Mount v. Dusing*, 414 Ill. 361 (1953) concerns a will contest. In this case, the court states: "The limited scope of the statutory issue in a will contest resulted in the formulation of rules relating to joinder of issues in such proceedings which are more restrictive than those ordinarily applied in equity. . . . After the adoption of the Civil Practice Act, with its liberal provisions concerning joinder of parties and issues, the statute relating to will contests was amended, apparently to preserve the restrictive rule of joinder which had been evolved by decisions by adding the provision which now reads: 'Matters not germane to the distinctive purpose of the proceeding shall not be introduced by joinder, counterclaim, or otherwise.' Ill.Rev.Stat 1951, chap 3 par. 155. "

35. The case of *Sommers v. Korona*, 54 Ill.App.2d 425 (1<sup>st</sup> Dist 1962) is another case concerning two car accidents. The first count concerns the first in time accident, one plaintiff and a defendant. The second count concerns a second in time accident, an additional plaintiff and a different defendant. The court upheld dismissal of Count I. The court held that defendants could not be joined where the only common question of fact was the amount of damages,

especially where pleadings did not specify the particular injury which plaintiff sustained in the second accident and upon which he was depending to justify filing of the second county against other defendants.

36. *Preferred Personnel Services, Inc. v. Meltzer, Purtill and Stelle, LLC*, 387 Ill.App.3d 933 (1<sup>st</sup> Dist. 2009) is a case in which a temporary staffing agency brought an action against an insurance broker and attorneys, alleging that the broker failed to secure workers' compensation insurance on the agency's behalf and that the attorneys failed to timely commence proceedings against the broker on the agency's behalf. The case is an interlocutory appeal on three certified questions, none of which concern joinder or severance. The malpractice defendants in the case asserted, among their arguments, that they were inappropriately joined in the underlying case, thereby rendering Preferred's complaint multifarious. The court indicated it found merit in this argument. As described in the *Jafke* case, multifariousness is an equitable doctrine which prohibits the joining in one complaint of distinct and independent matters, thereby confounding them, *Jafke*, 162 Ill.App.3d at 293, citing *Gibbs v. Harmony Systems, Inc.*, 44 Ill.App.2d 37, 43 (1<sup>st</sup> Dist 1963). Multifariousness is found where distinct and independent matters are joined which require separate briefs and defenses, and the joinder of separate claims against two or more defendants. *Id.*, citing *White v. Macqueen*, 360 Ill 236 (1935).

37. In the matter of *City of Kankakee v. County of Kankakee et al*, PCB Nos. 03-125, 03-133, 03-134, 03-135, 03-144 (Consolidated) ( April 17, 2003) it is stated that the Board's reason for severing the one matter from this consolidated action was the Board's belief that Waste Management could be prejudiced by the consolidation of the case as Waste Management would be both a respondent and a petitioner "in these complicated cases at the same time." In its

discussion on the motion to sever, the Board made no mention of Waste Management's argument regarding discovery deadlines and potential briefing schedules in the other cases.

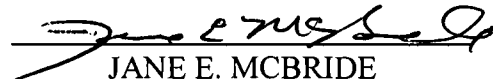
38. The interest of convenience and an expeditious and complete determination of claims is best served by maintaining the instant matter as pled. Complainant contends that Respondents' assertions of material prejudice are wholly without merit. However, if the counts are severed, Complainant will be very significantly materially prejudiced as to the allegations against Professional Swine Management. Judicial economy and a complete determination of liability are indeed best served by joinder of the facility LLCs – as pled.

WHEREFORE, on the foregoing grounds and for the foregoing reasons, Complainant respectfully requests that the Board deny the Respondent Facility LLCs' motions to sever.

Respectfully submitted,  
PEOPLE OF THE STATE OF ILLINOIS,  
ex rel. LISA MADIGAN, Attorney General  
of the State of Illinois

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