

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

ENVIRONMENTAL LAW AND POLICY)

CENTER, on behalf of PRAIRIE RIVERS)

NETWORK and SIERRA CLUB,)

ILLINOIS CHAPTER,)

Intervenor,)

vs.)

**PCB No. 10-61 & 11-2
(Water - Enforcement)**

FREEMAN UNITED COAL MINING)

COMPANY, LLC, a Delaware limited)

liability company, and SPRINGFIELD)

COAL COMPANY, LLC, a Delaware)

limited liability company,)

Respondents.)

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

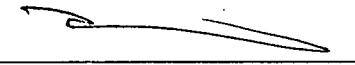
PLEASE TAKE NOTICE that on January 8, 2014, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, PEOPLE'S REQUEST FOR SCHEDULE, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: 
THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

**ENVIRONMENTAL LAW AND)
POLICY CENTER, on behalf of PRAIRIE)
RIVERS NETWORK and SIERRA CLUB,)
ILLINOIS CHAPTER,)**

Intervenor,)

v.)

**PCB No. 2010-061 & 2011-02
(Water-Enforcement)**

**FREEMAN UNITED COAL MINING)
COMPANY, LLC,)
a Delaware limited liability company, and)
SPRINGFIELD COAL COMPANY, LLC,)
a Delaware limited liability company,)**

Respondents.)

PEOPLE'S REQUEST FOR SCHEDULE

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully requests that this matter be scheduled without further delay for an evidentiary hearing on the imposition of civil penalties, the award of attorney's fees, and the grant of any other necessary relief, following the grant of the People's motion for partial summary judgment, and states as follows:

On November 15, 2012 the Board issued an opinion and order in this consolidated enforcement proceeding. The Board granted the People's motion for partial summary judgment and the Environmental Law and Policy Center's motion for partial summary judgment on behalf of Prairie Rivers Network and Sierra Club (collectively ELPC), and denied Freeman United's

cross-motion for summary judgment. The Board issued a 71 page opinion and order, and addressed each of the contentions of the parties, including discussions of the affidavits and counter-affidavits, and the purported affirmative defenses raised by the Respondents.¹

The Respondents and Complainants have pursued discovery requests to obtain information useful for the hearing. The record shows, however, that the last discovery filing was made by the State on November 29, 2012. No response was filed by subject Respondent. No other party has filed additional discovery requests or responses for nearly two months as of the date of this proposed schedule. Therefore, it appears that discovery is nearly completed.

On May 10, 2013 Springfield Coal served a subpoena and notice of deposition on the State. We have repeatedly asked counsel to schedule this deposition. The proposed schedule would necessarily set a deadline for the conduct of this deposition.

As to the completion of discovery, the State has timely answered and properly supplemented its responses. None of our discovery requests is unresolved. The State is ready for trial. The Schedule should include deadlines for completion of discovery, including the deposition, and the commencement of the evidentiary hearing.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, hereby requests a Schedule for the final resolution of this matter.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

¹ The People timely responded to the affirmative defenses on July 29, 2010. The Respondents have failed to amend or revise any of their affirmative defenses to the State's complaint.

LISA MADIGAN,
Attorney General
of the State of Illinois

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

BY: 

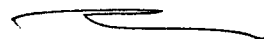
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 3124200
500 South Second Street
Springfield, Illinois 62706
217/782-9031

Dated: 1/08/14

CERTIFICATE OF SERVICE

I hereby certify that I did on January 8, 2014, cause to be served by United States 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 NOTICE OF FILING and PEOPLE'S REQUEST FOR SCHEDULE upon the Respondents listed on the Service List.



Thomas Davis, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

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