

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 15-112
)	(Enforcement - Air)
INCOBRASA INDUSTRIES, LTD.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: John T. Therriault	Carol Webb, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	1021 North Grand Avenue East
100 West Randolph, Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA U.S. MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO COMPLAINANT'S MOTION TO STRIKE RESPONDENT'S AFFIRMATIVE DEFENSES** copies of which are herewith served upon you.

Respectfully submitted,

INCOBRASA INDUSTRIES, LTD.,
Petitioner,

Dated: January 14, 2016

By: /s/ N. LaDonna Driver
One of Its Attorneys

N. LaDonna Driver
Edward W. Dwyer
Matthew C. Read
Melissa S. Brown
HEPLERBROOM, LLC
3150 Roland Avenue
Springfield, Illinois 62703
(217) 523-4900

CERTIFICATE OF SERVICE

I, N. LaDonna Driver, the undersigned, hereby certify that I have served the attached **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO COMPLAINANT'S MOTION TO STRIKE RESPONDENT'S AFFIRMATIVE DEFENSES**, upon:

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Ryan G. Rudich
Assistant Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

via electronic mail on January 14, 2016; and upon:

/s/ N. LaDonna Driver
N. LaDonna Driver

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**UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE A RESPONSE TO COMPLAINANT'S
MOTION TO STRIKE RESPONDENT'S AFFIRMATIVE DEFENSES**

INCOBRASA INDUSTRIES, LTD. ("Incobrasa" or "Respondent"), by and through its counsel, HEPLERBROOM, LLC, hereby moves the Hearing Officer or Illinois Pollution Control Board ("Board") in this matter to enter an Order granting Respondent until February 8, 2016 to file its Response to Complainant's Motion to Strike Respondent's Affirmative Defenses. In support of this Motion, Respondent states as follows:

1. On June 12, 2015, Complainant filed a Motion to Leave to File First Amended Complaint ("First Amended Complaint") in the above-captioned matter. On July 7, 2015, the Board granted Complainant's motion.
2. Respondent timely filed its Answer to the First Amended Complaint, along with its Affirmative Defenses, on December 8, 2015.
3. On January 7, 2016, Complainant filed its Motion to Strike Respondent's Affirmative Defenses.
4. Respondent was served with the Complainant's Motion to Strike Respondent's Affirmative Defenses on January 11, 2016.

5. Per the Board's procedural rules, a response to Complainant's motion is due within 14 days of service of the motion. *See* 35 Ill. Admin. Code § 101.500(d).

6. Therefore, a response to Complainant's Motion to Strike Respondent's Affirmative Defenses would be due on January 25, 2016.

7. "The Board or hearing officer, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time." 35 Ill. Admin. Code. § 101.522.

8. Respondent has conferred with the Complainant regarding the filing of this Motion for Extension of Time to File a Response to Complainant's Motion to Strike Respondent's Affirmative Defenses, and Complainant has no objections to an extension of time to respond until February 8, 2016.

9. The requested extension is not for the purpose of undue delay and should not prejudice or harm any interested party.

10. Therefore, Respondent requests an extension of time until February 8, 2016 to respond to Complainant's Motion to Strike Respondent's Affirmative Defenses.

11. For the Board's convenience, Respondent has attached a proposed Agreed Order granting Respondent's Motion for Extension of Time.

WHEREFORE, Respondent, INCOBRASA INDUSTRIES, LTD., respectfully requests that the Hearing Officer or Board grant its Unopposed Motion for Extension of Time to File a Response to Complainant's Motion to Strike Respondent's Affirmative Defenses to allow

additional time from January 25, 2016 until February 8, 2016, in which to file a response to Complainant's Motion to Strike Respondent's Affirmative Defenses.

Respectfully submitted,

INCOBRASA INDUSTRIES, LTD.
Respondent,

Dated: January 14, 2016

By: /s/ N. LaDonna Driver
One of Its Attorneys

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Edward W. Dwyer
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AGREED ORDER

The Board, having considered Respondent's UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO COMPLAINANT'S MOTION TO STRIKE RESPONDENT'S AFFIRMATIVE DEFENSES, being fully advised in the premises, hereby grants said Motion.

IT IS THEREFORE ORDERED that Respondent, INCOBRASA INDUSTRIES, LTD., is granted an extension of time from January 25, 2016 until February 8, 2016, in which to file a response to Complainant's Motion to Strike Respondent's Affirmative Defenses.

IT IS SO ORDERED.

ENTERED: _____

DATED: _____