BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CELESTE TAPIA AND MICHAEL W. EDWARDS,)	
Petitioner,)	
v.) PCB N	o. 2019-071
MILLER CONTAINER CORPORATION,)	
Respondent.)	

NOTICE OF FILING

To: Illinois Pollution Control Board

Attn: Clerk

100 West Randolph Street

Suite 11-500

Chicago, Illinois 60601-3218

Michael W. Edwards 8621 35th Street West Milan, Illinois 61264 Celeste Tapia 8621 35th Street West Milan, Illinois 61264

PLEASE TAKE NOTICE that on November 28, 2018, I electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Respondent's **Motion for Extension of Time to File a Motion to Dismiss, Answer, or Otherwise Plead**; the **Appearances** of A. Bruce White, Joseph F. Madonia and Ashley E. Parr; and **Proof Service** of the same, copies of which are hereby served upon you.

Dated: November 28, 2018

MILLER CONTAINER CORPORATION

By: <u>/s/ A. Bruce White</u> One of Its Attorneys

One of Its

A. Bruce White Joseph F. Madonia Ashley E. Parr

BARNES & THORNBURG LLP

One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 (General) Bruce.White@btlaw.com Joseph.Madonia@btlaw.com

Ashley.Parr@btlaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CELESTE TAPIA AND MICHAEL W. EDWARDS,)	
Petitioner,)	
v.)	PCB No. 2019-071
MILLER CONTAINER CORPORATION,)	
Respondent.)	

APPEARANCE

The undersigned, Ashley E. Parr, an attorney, enters an appearance on behalf of Respondent, **Miller Container Corporation**.

Dated: November 28, 2018

MILLER CONTAINER CORPORATION

By: <u>/s/ Ashley E. Parr</u> Ashley E. Parr

A. Bruce White
Joseph F. Madonia
Ashley E. Parr
BARNES & THORNBURG LLP

One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 (General) Bruce.White@btlaw.com Joseph.Madonia@btlaw.com Ashley.Parr@btlaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CELESTE TAPIA AND MICHAEL W. EDWARDS,)	
Petitioner,)	
,)	
v.)	PCB No. 2019-071
MILLER CONTAINER CORPORATION,)	
Respondent.)	

APPEARANCE

The undersigned, Joseph F. Madonia, an attorney, enters an appearance on behalf of Respondent, **Miller Container Corporation**.

Dated: November 28, 2018

MILLER CONTAINER CORPORATION

By: /s/ Joseph F. Madonia
Joseph F. Madonia

A. Bruce White
Joseph F. Madonia
Ashley E. Parr
BARNES & THORNBURG LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606

(312) 357-1313 (General) Bruce.White@btlaw.com Joseph.Madonia@btlaw.com Ashley.Parr@btlaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CELESTE TAPIA AND MICHAEL W. EDWARDS,)	
Petitioner,)	
v.) PCB N	No. 2019-071
MILLER CONTAINER CORPORATION,)	
Respondent.)	

APPEARANCE

The undersigned, A. Bruce White, an attorney, enters an appearance on behalf of Respondent, **Miller Container Corporation**.

Dated: November 28, 2018

MILLER CONTAINER CORPORATION

By: /s/ A. Bruce White
A. Bruce White

A. Bruce White
Joseph F. Madonia
Ashley E. Parr
BARNES & THORNBURG LLP
One North Wacker Drive

One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 (General) Bruce.White@btlaw.com Joseph.Madonia@btlaw.com Ashley.Parr@btlaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CELESTE TAPIA AND MICHAEL W. EDWARDS,	
Petitioners,	
v.)	PCB No. 2019-071
MILLER CONTAINER CORPORATION,	
Respondent.	

MOTION FOR AN EXTENSION OF TIME TO FILE A MOTION TO DISMISS, ANSWER, OR OTHERWISE PLEAD

NOW COMES the Respondent, Miller Container Corporation ("Respondent"), by and through its attorneys, and respectfully requests that this Board grant an extension of time up to and including Wednesday, January 16, 2019 to file a Motion to Dismiss, Answer or otherwise respond to the Complaint. In support of this Motion, the Respondent states as follows:

- 1. This matter arose from a complaint filed by Celeste Tapia and Michael W. Edwards ("Petitioners") alleging various noise violations from Respondent's activities.
- 2. Respondent was served with this complaint on November 1, 2018. Pursuant to 35 Ill. Adm. Code §§ 103.204(d), 103.212(b), a Motion to Dismiss the Complaint would be due to be filed by December 1, 2018; and if no Motion is filed, the Answer would be due January 2, 2019.
- 3. Respondent first engaged counsel to represent it in this matter (as required by Board Rules) in mid November 2018, and requests an extension of time for approximately forty-five (45) days, until January 16, 2018 to file a Motion to Dismiss. If Respondent does not file a Motion to Dismiss, it would propose to file its Answer on January 16, 2018, a two week extension of the Answer date.

4. Respondent requests this extension to allow Respondent time to investigate the

nature of the claimed noise issues, to discuss the issues with Petitioners, and for Respondent's

counsel to familiarize themselves with the issues in the case.

WHEREFORE, Respondent, Miller Container Corporation, requests that this

Board grant it an extension of time up to and including Wednesday, January 16, 2019 in which to

file a Motion to Dismiss, Answer, or otherwise respond to the Complaint.

Dated: November 28, 2018

MILLER CONTAINER CORPORATION

By:

/s/A. Bruce White

One of Its Attorneys

A. Bruce White Joseph F. Madonia Ashley E. Parr

BARNES & THORNBURG LLP

One North Wacker Drive

Suite 4400

Chicago, Illinois 60606

(312) 357-1313 (General)

Bruce.White@btlaw.com

Joseph.Madonia@btlaw.com

Ashley.Parr@btlaw.com

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PROOF OF SERVICE

The undersigned attorney certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that he caused copies of the foregoing Notice of Filing, Motion for An Extension of Time to File a Motion to Dismiss, Answer, or to Otherwise Plead, and Appearances to be served electronically via the Illinois Pollution Control Board's online filing system or via First Class Mail, postage paid, from One North Wacker Drive, Chicago, Illinois, on the 28th day of November, 2018 to:

Illinois Pollution Control Board Attn: Clerk 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601-3218 (via electronic filing only) Celeste Tapia 8621 35th Street West Milan, Illinois 61264

Michael W. Edwards 8621 35th Street West Milan, Illinois 61264

/s/ A. Bruce White

One of Its Attorneys