

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

PCB NO. 12-35

(Enforcement – Water)

SIX-M CORPORATION, INC., and)

TOM MAXWELL, and)

Respondents,)

)

and)

)

JAMES McILVAIN,)

Necessary Party.)

NOTICE OF FILING AND PROOF OF SERVICE

To: Don Brown, Clerk
Illinois Pollution Control Board
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State of Illinois Building, Suite 11-500
Chicago, IL 60601

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Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East,
Springfield, IL 62794-9274
Carol.Webb@illinois.gov

PLEASE TAKE NOTICE that on this 25th day of January, 2019, I caused to be filed with the Pollution Control Board, the attached MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO STRIKE, a true and correct copy of which is herewith served upon you. The undersigned certifies that a true and correct copy of this Notice and attached document were served upon the above counsel of record to this cause by electronic mail on January 25, 2019, before 5:00 p.m. The total number of pages in the transmission is 5.

SIX M. CORPORATION, INC. and TOM
MAXWELL, Respondents,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Law Office of Patrick D. Shaw
80 Bellerive Road
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)	(Enforcement – Water)
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**RESPONDENTS’ MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
MOTION TO STRIKE DIRECTED TO HEARING OFFICER**

NOW COME Respondents, Six-M Corporation, Inc., and Tom Maxwell, by their undersigned counsel, pursuant to Section 101.522 of the Pollution Control Board’s Procedural Rules (35 Ill. Admin. Code §101.522), and moves the Hearing Officer to extend the time for responding to the pending motion to strike, stating as follows:

1. Section 101.522 of the Board’s Procedural Rules, state as follows:

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. Adm. Code 101.522)

2. On November 26, 2018, Respondents filed their Answer and Affirmative Defenses to the First Amended Complaint.

3. During a status conference on November 27, 2018, Complainant requested and

received without objection, permission to extend the deadline to respond to the affirmative defenses to January 8, 2019. The Complainant also stated that a draft stipulation for a potential settlement of the case was being prepared.

4. On January 8, 2019, Complainant filed a Motion to Strike Respondents' Affirmative Defense. Also, on that date, the Complainant provided a draft stipulation to Respondents' counsel for review.

5. In light of potential settlement discussions, Respondents are desirous of evaluating the possibility of resolving this matter without litigation costs pertaining to pleading issues.

6. Respondents request the Hearing Officer enter an order, extending the time to respond to February 7, 2019, or such other time or under such other conditions as determined at the next status conference.

7. This motion is not interposed for any improper purpose, or to cause unnecessary delay, but to potentially avoid the needless increase in the cost of litigation.

WHEREFORE, Respondents, SIX M. CORPORATION, INC. and TOM MAXWELL, pray for an order granting an extension of time to respond to the motion to strike, or such other and further relief as the Hearing Officer deems meet and just.

Respectfully submitted by

SIX M. CORPORATION, INC. and TOM
MAXWELL, respondents,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

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THIS FILING IS SUBMITTED ON RECYCLED PAPER