

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHN AND LINDA MARACIC,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 05-212
	)	(Enforcement – Noise)
TNT LOGISTICS NORTH AMERICA	)	
INC.,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn	Bradley P. Halloran, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board Respondent, TNT Logistics North America, Inc.'s **RESPONSE TO COMPLAINANTS' DISCOVERY SCHEDULE REVISION**, a copy of which is herewith served upon you.

Respectfully submitted,

TNT LOGISTICS NORTH AMERICA INC.,  
Respondent,

By: /s/Thomas G. Safley  
One of Its Attorneys

Dated: December 20, 2005

Edward W. Dwyer  
Thomas G. Safley  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**THIS FILING SUBMITTED ON RECYCLED PAPER**

**CERTIFICATE OF SERVICE**

I, Thomas G. Safley, the undersigned, hereby certify that I have served the  
attached RESPONSE TO COMPLAINANTS' DISCOVERY SCHEDULE REVISION  
upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

via electronic mail on December 20, 2005; and upon:

Bradley P. Halloran, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Mr. John Maracic  
Mrs. Linda Maracic  
2850 South Ridgeland Avenue  
Monee, Illinois 60449

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on December 20, 2005.

/s/Thomas G. Safley  
Thomas G. Safley

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Complainants,	)	
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TNT LOGISTICS NORTH AMERICA	)	
INC.,	)	
	)	
Respondent.	)	

**RESPONSE TO COMPLAINANTS' DISCOVERY SCHEDULE REVISION**

NOW COMES Respondent, TNT LOGISTICS NORTH AMERICA INC.

("TNT"), by its attorneys, HODGE DWYER ZEMAN, and for its Response to Complainants' Discovery Schedule Revision, states as follows:

1. On December 19, 2005, the undersigned received Complainants' Discovery Schedule Revision, a copy of which is attached hereto as Exhibit A.
2. This filing contains what appears to be a typographical error, stating: "This cause comes before the Hearing Officer on submission by the parties of a joint proposed Discovery Schedule." Exhibit A. (Emphasis added.)
3. TNT does not agree to the discovery deadlines proposed by Complainants in their Discovery Schedule Revision.
4. Rather, as stated in TNT's Motion for Entry of Respondent's Proposed Discovery Schedule, filed on December 16, 2005, TNT and Complainants have not reached an agreement on proposed discovery deadlines or filed a "joint proposed Discovery Schedule." See id. at ¶3.
5. Thus, TNT's Motion for Entry of Respondent's Proposed Discovery Schedule moved the Hearing Officer to enter TNT's proposed Discovery Schedule filed

therewith, which Discovery Schedule includes different deadlines than those proposed by Complainants.

WHEREFORE, Respondent, TNT LOGISTICS NORTH AMERICA INC., respectfully moves the Hearing Officer to enter TNT's proposed Discovery Schedule filed on December 16, 2005, and not Complainants' Discovery Schedule Revision, and to grant TNT all other relief just and proper in the premises.

Respectfully submitted,

TNT LOGISTICS NORTH AMERICA INC.,  
Respondent,

By: /s/Thomas G. Safley  
One of Its Attorneys

Dated: December 20, 2005

Edward W. Dwyer  
Thomas G. Safley  
HODGE DWYER ZEMAN  
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TNTL:002/Fil/Maracic/Response to Discovery Schedule Revision

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

John & Linda Maracic

Compliant

V/s

PCB No. 05-212

TNT Logistics North America Inc.

Respondent

**DISCOVERY SCHEDULE REVISION**

This cause comes before the Hearing Officer on submission by the parties of a joint proposed Discovery Schedule. Having considered the foregoing, & being duly advised, the Hearing Officer now finds that such Discovery Schedule should be APPROVED, & accordingly, hereby enters the following Discovery Schedule in this matter:

**DATES**

**TASK**

February 1, 2006

All written discovery served & answered.

March 15, 2006

Complainants' opinion witness(es) & their opinions disclosed.

April 15, 2006

Respondent's opinion witness(es) & their opinions disclosed.

May 1, 2006

Depositions completed.

May 1, 2006

Close of all discovery.

Dated: \_\_\_\_\_ Hearing Officer: \_\_\_\_\_

Distribution to: Complainants; counsel for Respondent