



motion to deny the Agency's motion to consolidate these matters and response to motion to strike. We deny the Agency's motions to strike and consolidate. We grant Kathe Auto's motion to adopt Raleigh Realty Corporation's motion to deny the Agency's motion to consolidate.

The Agency argues that the Board should consolidate these matters in the interest of convenient, expeditious and complete resolution. In support of its motion the Agency states that the issues are identical, Kathe Auto utilized the same environmental consultant, and the Board's hearing officer and attorneys are the same. Kathe Auto opposes the motion asserting that it is only appropriate to consolidate two separate causes of action where they are the same in nature, arise from the same act or event, involve the same or like issue, and depend largely on the same evidence. Kathe Auto contends that this is not the case here. Furthermore Kathe Auto states that neither the Illinois Rules of Civil Procedure nor Board procedural rules permit the consolidation of motions for summary judgment brought by different parties in different matters. Kathe Auto argues that it would be greatly prejudiced if the matters were consolidated, as the facts involve two different petitioners, two different gasoline stations, two different Agency denial letters and associated records. While some of the facts of the two cases are essentially the same, Kathe Auto believes consolidation will cause confusion and complicate the pleadings, hearings and rulings.

The Board denies the Agency's motions to consolidate and strike. While the Board is appreciative of the intent of conserving resources of all parties, due to the numerous filings in these cases, the differences of the fact situations and the possible confusion which may result, the Board does not find it appropriate to consolidate these matters.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board