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MAY 11 2006

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

May 9, 2006

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. CSX Transportation***  
**PCB No. 06-51**

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing and Complainant's Motion to Withdraw Motion to Strike Affirmative Defenses in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, reading "Kristen Laughridge Gale".

Kristen Laughridge Gale  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

KLG/pp  
Enclosures

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MAY 11 2006

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
 ex rel. LISA MADIGAN, Attorney )  
 General of the State of Illinois, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 CSX TRANSPORTATION, INC., a )  
 Virginia corporation, )  
 )  
 Respondent. )

PCB No. 06-51  
(Enforcement)

**NOTICE OF FILING**

To: David L. Rieser  
McGuire Woods LLP  
77 West Wacker Drive, Suite 4100  
Chicago, IL 60601

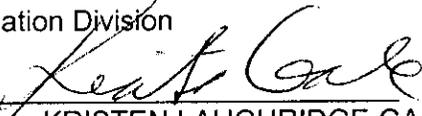
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, Complainant's Motion to Withdraw Motion to Strike Affirmative Defenses, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
KRISTEN LAUGHRIDGE GALE  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: May 9, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that I did on May 9, 2006, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and MOTION TO WITHDRAW MOTION TO STRIKE AFFIRMATIVE DEFENSES

To: David L. Rieser  
McGuire Woods LLP  
77 West Wacker Drive, Suite 4100  
Chicago, IL 60601

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794

  
KRISTEN LAUGHRIDGE GALE  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

MAY 11 2006

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
vs.	)	No. 06-51
	)	(Enforcement)
CSX TRANSPORTATION, a Virginia	)	
corporation,	)	
Respondent.	)	

**MOTION TO WITHDRAW MOTION TO STRIKE**  
**AFFIRMATIVE DEFENSES**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois moves to withdraw the Motion to Strike Affirmative Defenses against Respondent, CSX TRANSPORTATION, and states as follows:

1. Complainant filed the motion to strike affirmative defenses on December 29, 2005.
2. Respondent subsequently filed an amended answer and affirmative defenses on January 19, 2006.
3. Respondent's amended answer and affirmative defenses addresses the Complainant's reasons for the motion to strike.

WHEREFORE, the Complainant prays that the Board enter an order withdrawing the Complainant's Motion to Strike.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,  
Attorney General  
of the State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:



KRISTEN LAUGHRIDGE GALE  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: May 8, 2006