

ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
- vs-)
))
MICHAEL GRUEN and JON ERIC GRUEN,)
d/b/a JON'S TREE SERVICE,)
))
Respondents.)

No. AC-06-49
(IEPA No. 96-06-AC)
(Administrative Citation)

MOTION TO COMPEL

Come now Respondents, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, by and through their attorneys, Farrell, Hunter, Hamilton & Julian, P.C., and for their Motion to Compel, state as follows:

1. On or about July 19, 2006, Respondents, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, served their Interrogatories and Request to Produce Documents on Complainant, Illinois Environmental Protection Agency. The 28 days response period has expired.
2. In a letter dated August 22, 2006, Respondents requested that Complainant notify Respondents of the status of producing discovery. Respondents requested notification as to the status of producing discovery by August 28, 2006, and Respondents have received no response.
3. The Interrogatories and Request to Produce Documents have been sent to opposing counsel, but they have not been sent to the Clerk of the Board, pursuant to 35 Ill. Adm. Code 101.302 (i).
4. A letter to resolve Complainant's non-compliance with discovery has been sent pursuant to Supreme Court Rule 201(k). This letter has not been filed with the Clerk pursuant to 101.302(i).

WHEREFORE, Respondents, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, pray that the court grant their Motion to Compel. Respondents pray that the court direct Complainant, Illinois Environmental Protection Agency, to produce all documents in Respondents' Request to Produce Documents, and respond to Respondents' Interrogatories. Respondents pray for such other and further relief as the Hearing Officer deems equitable and just.

Respectfully submitted:

MICHAEL GRUEN and JON ERIC GRUEN,
d/b/a JON'S TREE SERVICE

BY: _____

Phillip H. Hamilton, #6201288
Ebony R. Huddleston, #6288261
Farrell, Hunter, Hamilton & Julian, P.C.
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)	No. AC-06-49
Complainant,)	(IEPA No. 96-06-AC)
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MICHAEL GRUEN and JON ERIC GRUEN,)	
d/b/a JON'S TREE SERVICE,)	
)	
Respondents.)	

PROOF OF SERVICE

I hereby certify that I did on the 31 day of August, 2006, send by UPS, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument entitled Motion to Compel

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, IL 62794-9274

And, I further certify, that in accordance with Section 101.302, 35 Ill. Adm. Code 101.302, that no discovery materials were filed with the Clerk of the Board.

Respectfully submitted:

~~MICHAEL GRUEN~~ and JON ERIC GRUEN,
d/b/a JON'S TREE SERVICE

BY: 

Phillip H. Hamilton, #6201288
Ebony R. Huddleston, #6288261
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STATE OF ILLINOIS
Pollution Control Board

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*LICENSED IN IL & MO

August 31, 2006

OF COUNSEL
J. THOMAS LONG*

Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph St., Ste. 11-500
Chicago, IL 60601

VIA: UPS

Re: Environmental Protection Agency v. Michael Gruen and Jon Eric Gruen,
d/b/a Jon's Tree Service, IEPA No. 96-06-AC

Dear Ms. Gunn:

Please find enclosed an original and nine (9) copies of the Motion to Compel in the above captioned matter.

Please direct this motion to the Hearing Officer, Carol Webb. This is not a dispositive motion within the meaning of 35 Ill. Adm. Code 101.502.

A copy has been served on opposing counsel, and the Hearing Officer. The Motion to Compel involves discovery materials which have not been filed with the clerk.

Yours very truly,

FARRELL, HUNTER, HAMILTON & JULIAN, P.C.


PHILLIP H. HAMILTON

PHH:alg
Enclsoures

Cc: Jon Gruen