

ILLINOIS POLLUTION CONTROL BOARD

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JAN 18 2007

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 CONTINUE**

Come now Respondents, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, by and through their attorneys, Farrell, Hamilton & Julian, P.C., pursuant to 35 Ill. Ad. Code 101.510, and for their Motion to Continue, state as follows:

1. The Hearing Officer has scheduled the hearing in this matter for February 7, 2007 at 9:00 A.M.
2. Counsel for the Respondents was scheduled to start a jury trial in Jenkins Displays Co. v. Plaza Properties, LLC, Circuit Court, Twentieth Judicial Circuit, St. Clair County, IL, Case No. 05-CH-23 on January 23, 2007. However, due to issues relating to the availability of jurors for that week, the court suggested that the trial date be reset.
3. The court has reset the trial for the week of February 5, 2007, and it is expected that the trial will go for the whole week (with the exception of Tuesday, February 6, 2007, when the presiding judge will be out of town).
4. Due to the complexity of the issues pending in the jury trial, the number of parties, and the number of witnesses, it is not practical for counsel for the Respondent to request a continuance of the jury case.

5. Respondents request that the Hearing Officer either move up the hearing date for the Gruen hearing to sometime the week of January 29, 2007. Alternatively, Respondents request that the Hearing Officer reschedule the hearing later in February, or possibly in March depending on the schedules of the hearing officer and opposing counsel.

6. The affidavit of counsel for the movant is attached.

WHEREFORE, Respondents, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, request that the Hearing Officer cancel the hearing date scheduled for February 7, 2007 at 9:00 A.M., and either move up the hearing date to the week of January 29, 2007, or reschedule the hearing for a date later in February, or March, depending on the schedules of the Hearing Officer and opposing counsel. Respondents request such other and further relief as the Hearing Officer determines is 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, Hamilton & Julian, P.C.  
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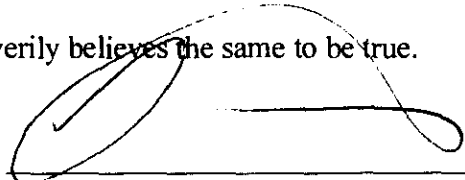
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d/b/a JON'S TREE SERVICE,	)	
	)	
Respondents.	)	

**AFFIDAVIT**

Comes now affiant, Phillip H. Hamilton, having been first duly sworn, deposes and states as follows:

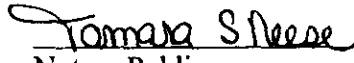
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the Motion to Continue are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.




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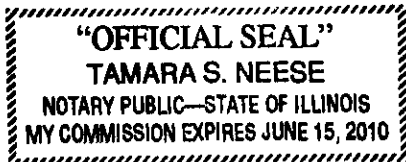
Phillip H. Hamilton

Subscribed and sworn to before me, a Notary Public, this 17<sup>th</sup> day of January, 2007.




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Notary Public



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PROTECTION AGENCY,	)	
	)	No. AC-06-49
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d/b/a JON'S TREE SERVICE,	)	
	)	
Respondents.	)	

**PROOF OF SERVICE**

I hereby certify that I did on the 17<sup>th</sup> day of January, 2007, send by regular mail 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 Continue to:

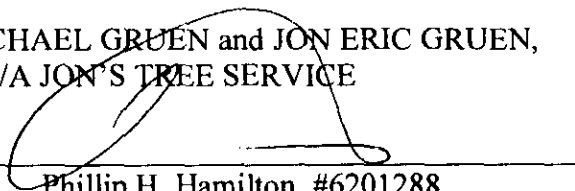
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

And, I further certify, that in accordance with Section 101.302, 35 Ill. Adm. Code 101.302, but 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  
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