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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 9, 2007

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

Re: ***People v. Peabody Coal Company***
PCB No. 99-134

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and MOTION TO LIFT STAY in regard to the above-captioned matter. Please return file-stamped copies of the documents to our office in the enclosed, self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas Davis", is written over a horizontal line.

Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

TD/pp
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that I did on April 9, 2007, 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 LIFT STAY

To: Stephen F. Hedinger
Hedinger Law Office
2601 South Fifth Street
Springfield, IL 62703

W. C. Blanton
Blackwell Sanders Peper Martin LLP
4801 Main Street, Suite 1000
Kansas City, MO 64112

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
State of Illinois 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: Brad Halloran
Hearing Officer
Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, IL 60601



Thomas Davis, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
PEABODY COAL COMPANY, a Delaware)
corporation,)
)
Respondent.)

PCB NO. 99-134
(Enforcement)

MOTION TO LIFT STAY

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and respectfully moves pursuant to Section 101.502 of the Board's Procedural Rules to lift the Stay granted by the September 18, 2003, Order of the Board. In that Order, the Board had explicitly noted that the stay "also serves to delay the hearing officer's ruling on complainant's fully-briefed June 6, 2003 motion for protective order concerning a supplemental filing." During the March 1, 2007, status conference with the hearing officer, the parties indicated that a revised discovery schedule would be jointly proposed and that outstanding discovery issues would be discussed. The parties have attempted to do so, but the unresolved motion for protective order prevents an agreement on outstanding discovery issues. Therefore, the Complainant requests that its June 6, 2003 motion for protective order be granted and that the parties be allowed fourteen (14) days following the hearing officer's ruling to finalize the revised discovery schedule currently under discussion.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Stay granted by the September 18, 2003, Order of the Board be lifted, that the

hearing officer grant the June 6, 2003 motion for protective order, and that fourteen days be allowed thereafter for the proposal of a revised discovery schedule.

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: 

THOMAS DAVIS
MICHAEL MANKOWSKI
STEPHEN J. JANASIE
Environmental Bureau
Assistant Attorneys General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 4/09/07