

MAR 10 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 99-134
)	
PEABODY COAL COMPANY, LLC,)	
)	
Respondent.)	

JOINT REPORT CONCERNING PENDING MOTIONS

NOW COMES Respondent, PEABODY COAL COMPANY, LLC (hereinafter "PCC"), through its undersigned attorneys, and pursuant to the Hearing Officer's direction, hereby submits the following status report concerning pending motions.

1. On September 11, 2003, the parties filed a joint motion to stay further proceedings and discovery in this case, pending settlement negotiations being engaged in by the parties.
2. The settlement negotiations have been a partial success, but the parties informed the Hearing Officer, during a February 21, 2008 conference call, that further discussions have become unfruitful, and the parties desire to reopen and finalize the litigation.
3. As a consequence, the Hearing Officer directed the parties to identify any pending motions, and to discuss the status of such motions.
4. Accordingly, the parties provide the following information:
 - A. Motion for Protective Order:
 - (i) On June 4, 5, and 6, 2003, Complainant ("State") filed a motion for protective order and a supplement thereto.

(ii) On June 17, 2003, PCC filed a brief in opposition to the motion for protective order.

(iii) On June 24, 2003, the State filed a motion for leave to reply to PCC's brief in opposition to the motion for protective order.

(iv) On July 17, 2003, PCC filed a brief in opposition to the State's motion for leave to file a reply. (Filed per Hearing Officer Order of July 11, 2003).

B. Motion to Serve Interrogatories:

(i) On June 17, 2003, PCC withdrew the pending interrogatories that were the subject of Complainant's Motion for Protective Order.

(ii) On July 17, 2003, PCC filed a motion for leave to serve interrogatories, consisting of revisions of the interrogatories previously withdrawn.

5. Based upon the above, it is the parties' belief that the State's motion for leave to file a reply with respect to the motion for protective order has been fully briefed, and is awaiting the Hearing Officer's ruling.

6. In addition, no response has been submitted with respect to PCC's motion for leave to file interrogatories. At this time, a briefing schedule with respect to that motion would be appropriate.

7. Finally, ruling on State's motion for protective order is dependent upon the Hearing Officer's ruling with respect to the State's motion for leave to file a reply. Depending upon the Hearing Officer's ruling, PCC may seek leave to file a surreply.

8. The parties also note that the pending PCC motion for leave to serve interrogatories is directly connected in subject matter with the pending motion for protective order, and the parties request that the Hearing Officer consider the motions in tandem.

9. Although this status report is being submitted by counsel for PCC, counsel for the


State has reviewed and approved it for filing.

WHEREFORE, the parties hereto submit the above status concerning pending motions for the Hearing Officer's consideration.

Respectfully submitted,

PEABODY COAL COMPANY, LLC

By its attorneys



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CLERK'S OFFICE

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
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v.)
PEABODY COAL COMPANY, LLC,)
Respondent.)

PCB 99-134

NOTICE OF FILING AND PROOF OF SERVICE

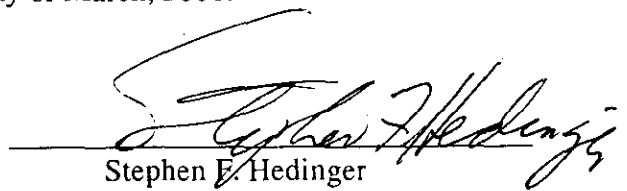
To: Tom Davis
Environmental Bureau
Attorney General's Office
500 S. Second St.
Springfield, IL 62706

Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
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James R. Thompson Center
Suite 11-500
Chicago, IL 60601-3218

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PLEASE TAKE NOTICE that on the 6th day of March, 2008, we sent to the Clerk of the Pollution Control Board the original and 9 copies of the Joint Report Concerning Pending Motions for filing in the above entitled cause.

The undersigned certifies that a true and correct copy of the above-described document was served upon the above-identified individuals via U.S. mail by enclosing the same in envelopes properly addressed, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mail box, on the 6th day of March, 2008.


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PCB 99-134

ORIGINAL

NOTICE OF LAW FIRM NAME AND EMAIL ADDRESS CHANGES

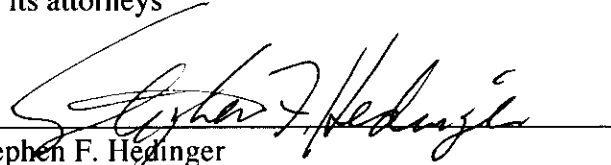
Respondent, Peabody Coal Company, LLC, hereby notifies the Board, the Hearing Officer, and counsel for Complainant that, effective March 1, 2008, the name the law firm of W.C. Blanton, one of Respondent's attorneys, has changed to Husch Blackwell Sanders LLP and his email address was changed to wc.blanton@huschblackwell.com. All other contact information for Mr. Blanton remains unchanged. Accordingly, his complete contact information is as set forth in the signature block below.

Date: March 6, 2008

Respectfully submitted,

PEABODY COAL COMPANY, LLC

By its attorneys

A handwritten signature in black ink, appearing to read "Stephen F. Hedinger", is written over a horizontal line.

Stephen F. Hedinger

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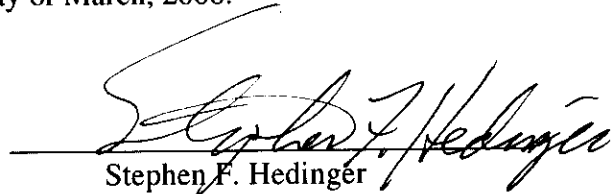
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Suite 1000
Kansas City, MO 64112

PLEASE TAKE NOTICE that on the 6th day of March, 2008, we sent to the Clerk of the Pollution Control Board the original and 9 copies of the Notice of Law Firm Name and Email Address Change for filing in the above entitled cause.

The undersigned certifies that a true and correct copy of the above-described document was served upon the above-identified individuals via U.S. mail by enclosing the same in envelopes properly addressed, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mail box, on the 6th day of March, 2008.


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THIS FILING IS SUBMITTED ON RECYCLED PAPER