

ILLINOIS POLLUTION CONTROL BOARD
September 25, 2008

KYLE NASH,)	
)	
Complainant,)	
)	
v.)	PCB 07-97
)	(Citizens Enforcement – Noise)
LOUIS JIMENEZ,)	
)	
Respondent.)	

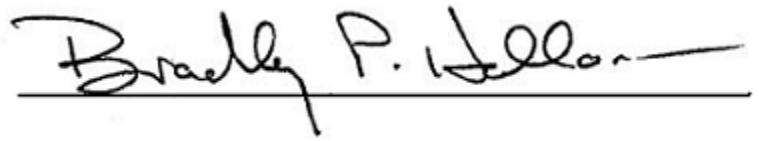
HEARING OFFICER ORDER

On September 25, 2008, all parties participated in a telephonic status conference with the hearing officer. Discussions centered on respondent's motion to dismiss, filed with the Board on August 5, 2008. The notice of filing and proof of service notes that the motion was served on the complainant, at the proper address, by depositing the motion in the U.S. mail, on August 5, 2008. The complainant represented that she has not received the motion. The respondent was directed to re-serve the complainant with the motion on or before September 27, 2008.

Further discussion centered on respondent's suggestion that the parties enter a stipulation and proposed settlement agreement pursuant to Section 103.301 of the Board's procedural rules. The respondent also alluded to Section 103.302 of the Board's procedural rules regarding future compliance, or a cease and desist type of agreement incorporated in the stipulation. The complainant represented that she was opposed to the stipulation and wanted the above-captioned matter to move forward on its present course.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on November 6, 2008, at 11:00 a.m. The telephonic conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance. At the conference the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

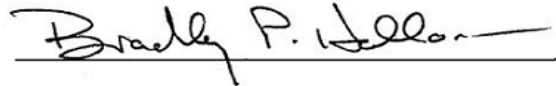
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on September 25, 2008, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on September 25, 2008:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois

PCB 2007-097
Kyle Nash
1630 W. 33rd Place
Chicago, IL 60608

PCB 2007-097
Louis Jimenez
1628 W. 33rd Place
Chicago, IL 60608-6202

PCB 2007-097
James M. Knox
121 W. Chestnut, #3104
Chicago, IL 60610