

ILLINOIS POLLUTION CONTROL BOARD

January 20, 1977

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 WILFORD E. ("ERNIE") JOHNSON )  
 and NORMA I. JOHNSON, d/b/a )  
 BYRON SALVAGE, )  
 )  
 Respondents; )  
 )  
 ) PCB 74-471  
 ) PCB 76-210  
 WILFORD ERNEST JOHNSON, ) (CONSOLIDATED)  
 and NORMA I. JOHNSON, )  
 )  
 Complainants, )  
 )  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

INTERIM ORDER OF THE BOARD (by Mr. Zeitlin):

The Environmental Protection Agency, Respondents in PCB 76-210, filed a Motion for Sanctions on December 28, 1976. That Motion alleged that Wilford E. and Norma I. Johnson, Complainants in PCB 76-210, had failed to comply with orders of the Hearing Officer, specifically failing to respond to Interrogatories, a Request for Witness List, and a Motion to Produce Documents. The requested sanctions were dismissal with prejudice, default judgement, etc.

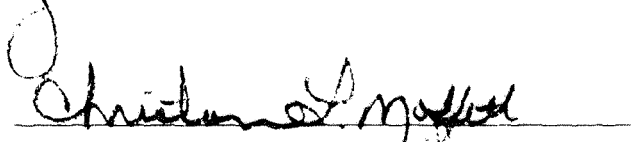
Although Complainants did not respond to that Motion for Sanctions, they did file with the Board a copy of their pleadings in response to Respondent's Interrogatories, etc., on January 17, 1977.

While Complainant's responsive pleadings were certainly late, examination of those pleadings indicates that any prejudice to Respondent on that account will not be such as would justify the requested sanctions. Respondent's Motion for Sanctions is denied.

IT IS SO ORDERED.

Mr. James Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 20<sup>th</sup> day of January, 1977, by a vote of 4-0.

A handwritten signature in cursive script, reading "Christan L. Moffett", written over a horizontal line.

Christan L. Moffett, Clerk  
Illinois Pollution Control Board