

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1978

PEOPLE OF THE STATE OF ILLINOIS)
and ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainants,)
)
v.) PCB 77-143
)
PETER D. GIACHINI,)
)
Respondent.)


ORDER OF THE BOARD (by Mr. Young):

This matter before the Board concerns Complainants' Motion to Strike Respondent's Affirmative Defense filed on November 2, 1977. The Complainants object to the entry of the two actions against Respondent by the State's Attorney in the Circuit Court of Cook County as "additional defense" to this action. In response to this Motion, Peter D. Giachini claims on February 24, 1978, that these actions serve as a bar and a complete defense to this action under the doctrine of res judicata.

Since there is no evidence before us in these pleadings, the Board does not find it proper to rule on such complex issues as the doctrine of res judicata and the question of concurrent jurisdiction between the Circuit Court and this Board. The Board will hereby dismiss the Motion to Strike Respondent's Affirmative Defense. Complainants may renew this Motion at the conclusion of the evidence.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2nd day of March, 1978 by a vote of 50.



Christan L. Moffett, Clerk
Illinois Pollution Control Board