

CERTIFICATE OF SERVICE

Pursuant to the Illinois Pollution Control Board regulations, specifically 35 Ill. Admin. Code 101.304(c), I certify that on February 6, 2009, I sent via email from Rockton, Illinois, at 12:30 p.m. the Motion to Dismiss with Prejudice to the following persons:

Illinois Pollution Control Board (filed electronically)  
100 W. Randolph  
Suite 11-500  
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Environmental Bureau  
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Thomas H. Boswell, Esq. (via email)  
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Hinshaw & Culbertson LLP  
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Rockford, IL 61105-1389

Rod Bennett Construction, Inc.

By:   
James E. Meason  
Respondent's Attorney

Respectfully submitted,

Rod Bennett Construction, Inc., Respondent

By:   
James E. Meason  
Counsel for Respondent

Date: 06 Feb 09

Prepared by:  
James E. Meason  
Attorney at Law  
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**ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 08-17
	)	
FELKER PHARMACY, INC., an Illinois	)	(Enforcement-Water)
corporation, and ROD BENNETT	)	
CONSTRUCTION, INC., an Illinois	)	
corporation,	)	
	)	
Respondents,	)	
	)	
	)	
_____	)	
ROD BENNETT CONSTRUCTION, INC.	)	
	)	
Third Party Complainant	)	
	)	
v.	)	PCB 08-17
	)	(Citizens Enforcement – Water)
MCCLELLAN BLAKEMORE	)	(Third-Party Complaint)
ARCHITECTS, INC., an Illinois	)	
corporation, and WENDLER	)	
ENGINEERING SERVICES,	)	
INC., an Illinois corporation	)	
	)	
Third Party Respondents.	)	

**MOTION TO DISMISS THIRD PARTY COMPLAINT WITH PREJUDICE**

Rod Bennett Construction, Inc. (Respondent), by and through its attorney, James E. Meason, submits this Motion to Dismiss Third Party Complaint with Prejudice, stating as follows:

1. Respondent and the third party respondents have settled their potential claims against one another.
2. Therefore, Respondent requests IPCB enter an Order dismissing with prejudice the Third Party Complaint.