

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS,)	
INC. and KENDALL COUNTY LAND)	
AND CATTLE, LLC,)	PCB 09-43
)	
Petitioner)	(Pollution Control Board Facility
)	Siting
v.)	Appeal)
)	
COUNTY BOARD OF KENDALL)	
COUNTY, ILLINOIS,)	
)	
Respondent)	
)	

NOTICE OF FILING

To: All Counsel of Record, See Attached Service List

PLEASE TAKE NOTICE that the undersigned has, on this 6th day of March, 2009, caused to be filed with the Clerk of the Illinois Pollution Control Board, via electronic filing, the attached ***Motion to Withdraw Demand for Bill of Particulars*** on behalf of the County Board of Kendall County, Illinois, a copy of which is herewith served on you.

Respectfully submitted,
County Board of Kendall County, Illinois

By: /s/James S. Harkness

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PROOF OF SERVICE

Under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, Sabrina Sanders, the undersigned non-attorney certifies that she served a true and correct copy of the foregoing Notice of Filing and all referenced enclosures, by (1) e-mail transmission and (2) U.S. Mail to all respective addresses as listed on the Service List from Lisle, Illinois 60532 on April 7, 2009.

/s/ Sabrina Sanders

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and KENDALL COUNTY LAND AND)	
CATTLE, LLC,)	PCB 09-43
)	
Petitioners,)	(Pollution Control Board Facility
)	Siting Appeal)
vs.)	
)	
COUNTY BOARD OF KENDALL COUNTY,)	
ILLINOIS, <i>et. al.</i> ,)	
)	
Respondent.)	

MOTION TO WITHDRAW DEMAND FOR BILL OF PARTICULARS

NOW COMES Respondent, COUNTY BOARD OF KENDALL COUNTY, ILLINOIS ("County Board"), by its attorneys MOMKUS McCLUSKEY, LLC, and as its Motion to Withdraw Demand for Bill of Particulars, states as follows:

1. On April 6, 2009, the Illinois Pollution Control Board held a status hearing with the parties in this matter. At that time, the Illinois Pollution Control Board discussed prior pleadings submitted by the parties, their discussions regarding those pleadings, and their agreements with respect to those pleadings.

2. In particular, in response to Petitioners' initial Petition for Hearing to Contest Site Location Denial (the "Petition for Review"), Respondent filed and served its Demand for Bill of Particulars. Petitioners subsequently filed a Motion to Strike and Deny Demand for Bill of Particulars.

3. Thereafter, the parties conducted discussions regarding the Petition for Review, Demand for Bill of Particulars, and the facts pled in support of the Petition for Review. At the first status hearing with the Illinois Pollution Control Board following the submission of the Demand for Bill of Particulars and Motion to Strike, Petitioners agreed to file an Amended Petition for Review, which the Illinois Pollution Control Board provided leave for based upon Respondent's agreement to same. The parties agreed

that Petitioners would file an Amended Petition for Review, that Respondent would not object to the filing of such an Amended Petition, but would reserve rights to defend against the allegations contained in the Amended Petition.

4. In fact, on March 24, 2009, Petitioners did file an Amended Petition for Review (titled "Amended Petition for Hearing to Contest Site Location Denial").

5. As such, on April 6, 2009, the Illinois Pollution Control Board, during a status hearing, requested that Respondent file a Motion to Withdraw its Demand for Bill of Particulars and request that Petitioners' Motion to Strike be held moot and require no further hearing or consideration. On April 6, 2009, Petitioners agreed.

6. Respondent, therefore, files this motion to withdraw its Demand for Bill of Particulars, and to hold Petitioners' Motion to Strike moot, requiring no further hearing or consideration.

WHEREFORE, for the above stated reasons, Respondent, COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, respectfully requests that the Illinois Pollution Control Board grant Respondent's Motion to Withdraw its Demand for Bill of Particulars, to hold Petitioners' Motion to Strike moot, requiring no further hearing or consideration, and for any other or further relief the Illinois Pollution Control Board deems just and proper.

Respectfully submitted,

COUNTY BOARD OF KENDALL COUNTY,
ILLINOIS

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