

ILLINOIS POLLUTION CONTROL BOARD

November 18, 1999

ENVIRONMENTAL SITE DEVELOPERS,)	
INC. an Illinois corporation,)	
)	
Complainant,)	
)	
v.)	PCB 96-180
)	(Enforcement - Water, Citizens)
WHITE & BREWER TRUCKING, INC., an)	
Illinois corporation,)	
)	
Respondent.)	
_____)	
)	
WHITE & BREWER TRUCKING, INC., an)	
Illinois corporation,)	
)	
Countercomplainant,)	
)	
v.)	PCB 96-180
)	(Enforcement - Water, Citizens)
ENVIRONMENTAL SITE DEVELOPERS,)	(Counterclaim)
INC., an Illinois corporation,)	
)	
Counterrespondent.)	

ORDER OF THE BOARD (by M. McFawn):

On November 15, 1999, countercomplainant White & Brewer Trucking, Inc. (White & Brewer) filed a "Motion to Withdraw Motions and Extend Stay," by which it seeks to withdraw its pending "Motion for Partial Summary Judgment" and "Motion for Entry of Scheduling Order." White & Brewer also seeks extension of the stay of proceedings which expired yesterday. The motion states that counterrespondent Environmental Site Developers, Inc. (ESDI) joins in the request for extension of the stay. Counsel for ESDI has informed the hearing officer that ESDI has no objection to the granting of the motion.

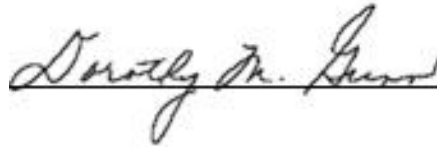
The stay of proceedings in this case was originally imposed in August of 1998, to give the parties an opportunity to negotiate a settlement. A year later, in its order adopted on August 19, 1999, the Board granted the parties a sixth extension of the stay, but informed the parties that, absent settlement of the case or withdrawal of the pending motions by White & Brewer, responses to the motions would be due today. The Board hereby allows White & Brewer to withdraw its motions,

without prejudice. The Board will not, however, extend the stay. With the pending motions withdrawn, there is no impending deadline in this case from which any party needs relief.

Control over the progress of this case is now returned to the hearing officer. The hearing officer, of course, has discretion to delay setting a hearing date or other litigation deadlines while the parties continue making progress toward settlement of this matter.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 18th day of November 1999 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board