

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney General)
of the State of Illinois,)

Complainant,)

PCB 2008-007
(Enforcement – Water)

v.)

UNION PACIFIC RAILROAD COMPANY,)
a Delaware corporation,)

VIA ELECTRONIC FILING

Respondent.)

NOTICE OF FILING

John Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street - Suite 11-500

Thomas A. Andreoli
Rooney Rippie Ratnaswamy LLP
350 W. Hubbard St., Suite 430
Chicago, Illinois 60606

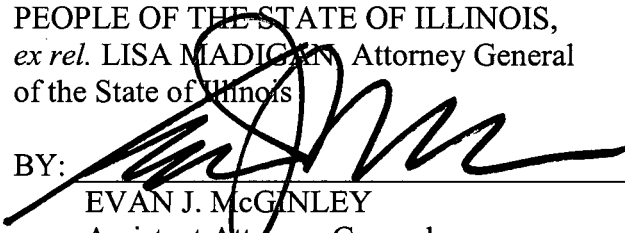
Chicago, Illinois 60601
Bradley P. Halloran
Hearing Officer
James R. Thompson Center
100 W. Randolph Street - Suite 11-500
Chicago, Illinois 60601

Please take notice that today, April 14, 2010, I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing Parties' Joint Motion to Extend the Time to Complete Written Discovery, along with Notice of Filing and Certificate of Service, a copy of which is attached hereto and served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

BY:


EVAN J. MCGINLEY
Assistant Attorney General
Environmental Bureau North
69 W. Washington St., Ste. 1800
Chicago, Illinois 60602
Tel: (312) 814-3153
Fax: (312) 814-2347
E-Mail: emcginley@atg.state.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
) PCB: 2008-007
Complainant,)
) (Enforcement – Water)
vs.)
)
UNION PACIFIC RAILROAD)
COMPANY, a Delaware Corporation,) **VIA ELECTRONIC FILING**
)
Respondent.)

**PARTIES' JOINT MOTION TO EXTEND THE TIME
TO COMPLETE WRITTEN DISCOVERY**

Complainant, People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois and Respondent, Union Pacific Railroad Company, respectfully move the Illinois Pollution Control Board (“Board”), pursuant to Section 101.502 of the Board’s General Rules, 35 Ill. Adm. Code 101.502, for an extension of time, until April 30, 2010, in which the parties are to complete written discovery in this case. The parties state the following in support of their joint motion:

1. On February 11, 2010, the Board, through its Hearing Officer, held a telephonic status in this case with counsel for the Complainant and Respondent. During the February 11th status, the Hearing Order ordered the parties to serve written discovery on each other on or before March 12, 2010 and to complete written discovery on or before April 16, 2010.
2. On March 12, 2010, Complainant served its written discovery on Respondent. Also on March 12, 2010, Respondent served its written discovery on Complainant.
3. On April 1, 2010, Counsel for Respondent changed law firms to Rooney Rippie & Ratnaswamy LLP (“Rooney Rippie”) from Sonnenschein Nath & Rosenthal LLP

("Sonnenschein"). Counsel for Respondent is in the process of filing appropriate substitution of counsel papers with the Board. The change in law firms by Respondent's counsel has required the transfer of the case file, including discovery materials provided by Respondent, from Sonnenschein to Rooney Rippie. The transfer has delayed the review of potentially responsive information and preparation of Respondent's discovery responses.

4. On the afternoon of April 12, 2010, Complainant received a box containing approximately 1000 pages of documents and two compact disks containing approximately 100 documents from Illinois EPA that are potentially responsive to Respondent's interrogatories and request for production of documents. As of the date of the filing of this motion, Complainant's counsel's staff is in the process of numbering and copying the documents provided by Illinois EPA and preparing a privilege log for the documents which the Complainant expects to withhold under various claims of privilege.

5. Complainant expects to be able to serve its responses to Respondent's discovery requests by the April 16th deadline which the Hearing Officer set at the February 11th telephonic status. However, Complainant will not be able to serve Respondent with its document production by April 16th. Complainant believes, however, that by extending the deadline for completing written discovery until April 30, 2010, it will have more than enough time to complete its document production to the Respondent.

6. Respondent concurs that an extension of time to complete written discovery until April 30, 2010 is appropriate, will prejudice no party, and is not intended for purposes of delay.

WHEREFORE, Complainant, People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois and Respondent, Union Pacific Railroad Company,

request that the Hearing Officer extend the deadline for completing written discovery from April 16, 2010 until April 30, 2010, and to provide such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

BY: 

EVAN J. MCGINLEY
Environmental Bureau
Assistant Attorney General
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
(312) 814-3153

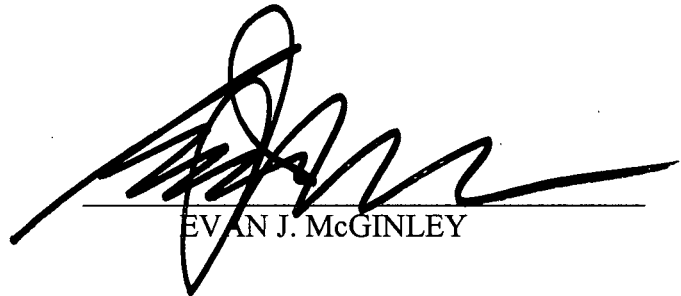
UNION PACIFIC RAILROAD COMPANY

BY:  FOR THOMAS ANDREOLI

THOMAS ANDREOLI
Rooney Bippie & Ratnaswamy LLP
350 W. Hubbard St., Suite 430
Chicago, Illinois 60654
(312) 447-2800

CERTIFICATE OF SERVICE

I, Evan J. McGinley, an attorney, hereby certify that I caused a copy of Parties' Joint Motion to Extend the Time to Complete Written Discovery, along with a Notice of Filing and a Certificate of Service, to be served upon the persons listed on the Notice of Filing, by regular mail.



EVAN J. MCGINLEY