

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

E.R. 1, LLC, assignee of CASEYVILLE)	
SPORT CHOICE, LLC)	
)	
Complainant,)	
)	
v.)	PCB 08-30
)	(Citizens Enforcement-Land)
ERMA I. SEIBER, ADMINISTRATIX OF)	
THE ESTATE OF JAMES A. SEIBER,)	
DECEASED, ERMA I. SEIBER,)	
INDIVIDUALLY and FAIRMONT PARK,)	
INC.,)	
)	
Respondents.)	

**COMPLAINANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO
PETITION FOR ADJUDICATION OF THE RETAINING LIEN
AND FOR ORDER QUASHING SUBPOENA DUCES TECUM**

COMES NOW Complainant E.R. 1, LLC, an assignee of Complainant Caseyville Sport Choice, LLC ("Caseyville" or "Complainant"), by and through its undersigned counsel, and pursuant to 35 ILAC 101.500(d), respectfully moves the Court to allow Caseyville to respond to the Petition for Adjudication of the Retaining Lien and For Order Quashing Subpoena Duces Tecum ("Petition") by Wednesday, August 17, 2011. In further support of its motion for extension of time, Caseyville states as follows:

1. Counsel for Complainant has been corresponding with Mr. Harold Belsheim of Belsheim & Bruckert, L.L.C.. The parties are in the process of attempting to resolve the issues raised in the Petition. The discussions have been productive thus far. Counsel for Complainant is hopeful that the additional time will enable the parties to reach a resolution.

2. On July 26, 2011, Counsel for Complainant asked Mr. Belsheim for an extension of time to respond to the Petition until August 17, 2011. Although Mr. Belsheim has not formally responded to Complainant's request, Mr. Belsheim has not objected to Complainant's request. In

light of the progress made to date, Counsel for Complainant does not anticipate that Mr. Belsheim will object to this extension.

3. No material delay to the proceedings will occur if the Court grants Complainant's motion for extension of time.

4. No parties will be prejudiced if the Court grants Complainant's motion for extension of time.

WHEREFORE, Complainant respectfully requests the Court grant its motion for an extension of time to respond to the Petition by August 17, 2011.

Dated: July 27, 2011

Respectfully Submitted,

BRYAN CAVE LLP

By: 

Daniel Nester (ARDC No. 6208872)
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*Attorneys for E.R. 1, LLC, As Assignee
Of Caseyville Sport Choice, LLC*

CERTIFICATE OF SERVICE

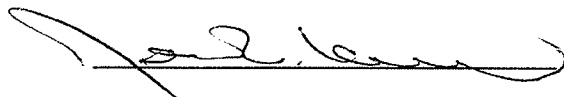
The undersigned certifies that a copy of the foregoing response was served upon the following parties via U.S. Mail on the 27th of July, 2011.

David J. Gerber
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Attorney for Caseyville Sport Choice, LLC

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A handwritten signature in black ink, appearing to read "David J. Gerber", written over a horizontal line.