

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

ESTATE OF GERALD D. SLIGHTOM,     )  
    Petitioner,                         )  
    v.                                     )     PCB 11-25  
  )     (UST Appeal)  
ILLINOIS ENVIRONMENTAL             )  
PROTECTION AGENCY,                 )  
    Respondent.                        )

**NOTICE OF FILING AND PROOF OF SERVICE**

TO:     Carol Webb                     Melanie Jarvis  
        Hearing Officer               Illinois Environmental Protection Agency  
        Illinois Pollution Control Board     1021 North Grand Avenue East  
        1021 N. Grand Avenue East         P.O. Box 19276  
        P.O. Box 19274                     Springfield, IL 62794-9276  
        Springfield, IL 62794-9274

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a Motion for Extension of Time to Respond to Motion for Summary Judgment Directed to Hearing Officer, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mailbox in Springfield, Illinois on the 29<sup>th</sup> day of May, 2012.

Respectfully submitted,  
ESTATE OF GERALD D. SLIGHTOM, Petitioner

BY:     MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY:     /s/ Patrick D. Shaw \_\_\_\_\_

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
1 North Old Capitol Plaza, Suite 325  
Springfield, IL 62701-1323  
Telephone: 217/528-2517  
Facsimile: 217/528-2553

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**MOTION FOR EXTENSION OF TIME TO RESPOND**  
**TO MOTION FOR SUMMARY JUDGMENT DIRECTED TO HEARING OFFICER**

NOW COMES Petitioner, Estate of Gerald D. Slightom, by its undersigned attorneys, pursuant to Section 101.516 of the Board's Procedural Rules (35 Ill. Admin. Code § 101.516), and moves for an extension of time to respond to motion for summary judgment, stating as follows:

1. On May 15, 2012, Petitioner received a motion for summary judgment filed by the Agency. Pursuant to the Board's procedural rules, any response to the motion for summary judgment must be filed within 14 days after service of the motion for summary judgment. (35 Ill. Adm. Code § 101.516)

2. Petitioner is in the process of filing its own motion for summary judgment, and anticipates needing an additional two weeks to do so. Petitioner plans to incorporate its own motion for summary judgment in its response to the Agency's motion for summary judgment.

3. Counsel for the Agency has indicated that she would have no objection to a request for an additional two weeks to respond.

4. Accordingly, Petitioner asks for an extension of time to respond to the pending motion for summary judgment to June 12, 2012.

5. The Board's procedural rules state that the hearing officer "may extend the filing and

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response deadlines contained in this subsection upon written motion by a party, consistent with any statutory deadlines.” (35 Ill. Adm. Code § 101.516) Currently, the decision deadline is December 31, 2012.

WHEREFORE, Petitioner prays for an order from the Hearing Officer, extending the deadline to respond to the pending motion for summary judgment to June 12, 2012, or for such other and further relief as the Hearing Officer deems meet and just.

ESTATE OF GERALD D. SLIGHTOM, Petitioner

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THIS FILING SUBMITTED ON RECYCLED PAPER