

ILLINOIS POLLUTION CONTROL BOARD  
June 5, 2003

FRANKLIN T. FOWLER and FRANKLIN D. )  
FOWLER, )  
 )  
Complainants, )  
 )  
v. ) PCB 03-159  
 ) (Citizens Enforcement – Air, Noise)  
REMINGTON HYBRID SEED )  
COMPANY, INC., )  
 )  
Respondent. )

ORDER OF THE BOARD (by T.E. Johnson):

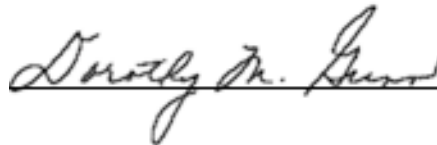
On March 24, 2003, Franklin T. Fowler and Franklin D. Fowler (Fowlers) filed a complaint against Remington Hybrid Seed Company, Inc. (Remington). The complaint alleges that Remington has created noise and air pollution through the operation of a scale facility at a hybrid seed processing plant located at 600 East Exchange Street, Geneseo, Henry County. On April 9, 2003, Remington filed an answer to the formal complaint, a motion to dismiss, an appearance, and an application for admission *pro hac vice*. On April 25, 2003, the Fowlers filed a motion for dismissal without prejudice. To date, Remington has not filed a response to the Fowlers' motion.

Pursuant to Section 101.500(d) of the Board's procedural rules, if no response is filed to a motion within 14 days after service, the party will be deemed to have waived objection. See 35 Ill. Adm. Code 101.500(d). In light of the motion to voluntarily dismiss this matter, Remington's motion to dismiss and motion for admission *pro hac vice* are moot, and will not be addressed.

The Fowlers' motion to voluntarily dismiss this matter without prejudice is granted, and the docket is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5, 2003, by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board