

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)
)
Complainant,)
)
v.)
)
MONTALBANO BUILDERS, INC.,)
)
an Illinois corporation, FIRST AMERICAN)
PROPERTIES, LLC, an Illinois limited liability)
company, & MBC XIV, LLC, a revoked)
Delaware limited liability company,)
)
Respondents.)
)

PCB No. 2010-20
(Enforcement – Water)

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DEC 13 2012
STATE OF ILLINOIS
Pollution Control Board

ORIGINAL
RETURN TO CLERK'S OFFICE

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Motion for Extension of Time of First American Properties, LLC, a copy of which is herewith served upon you.

Tina B. Solis

Dated: December 13, 2012

Tina B. Solis
Jamie A. Robinson
Brittany A. Smith
UNGARETTI & HARRIS LLP
70 W. Madison, Ste. 3500
Chicago, Illinois 60602
312-977-4394
*Attorneys for Respondent
First American Properties, LLC*

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Pollution Control Board

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **Notice of Filing**, via U.S. mail, upon the following persons:

Zemeheret Bereket-AB
Assistant Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

MBC XIV, LLC
National Registered Agents, Inc.
200 W. Adams Street
Chicago, Illinois 60606

Montalbano Builders, Inc.
Anthony P. Montalbano
Registered Agent
1010 Jorie Blvd, Suite 130
Oakbrook, Illinois 60523-4442

MBC XIV, LLC
Anthony Montalbano, Manager
1801 S. Meyers Road #500
Oakbrook Terrace, Illinois 60181

Gina Krol, Esq.
105 W. Madison St., Suite 1100
Chicago, Illinois 60602



Tina B. Solis

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**FIRST AMERICAN PROPERTIES, LLC'S
MOTION FOR EXTENSION OF TIME
TO HEARING OFFICER BRADLEY P. HALLORAN**

Respondent, First American Properties, LLC, ("First American"), by and through its counsel, Ungaretti & Harris LLP, respectfully requests that Hearing Officer Bradley P. Halloran grant First American an extension of time pursuant to 35 Ill. Adm. Code § 101.618(b) to respond to the First Request for Admission of Facts ("requests to admit") propounded by Complainant, People of the State of Illinois ("People"). In support thereof, First American states as follows:

1. On November 28, 2012, the People served First American with its requests to admit via certified mail. First American received the requests to admit on December 3, 2012. As such, First American's answers or objections to the requests to admit are currently due by December 31, 2012.

2. First American respectfully requests the instant extension due to the fact that counsel for First American, Ungaretti & Harris LLP, has just been retained to represent First American in this matter.

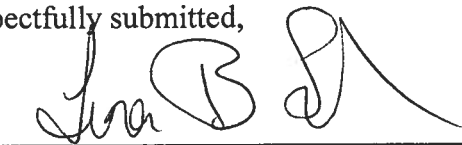
3. Furthermore, as First American does not own any of the parcels in question in this matter, First American intends to file a motion to dismiss. Therefore, First American respectfully requests an extension of time to respond to the People's requests to admit until after the Illinois Pollution Control Board (the "Board") has ruled upon the motion to dismiss. First American has never been served with the First Amended Complaint but intends to file its motion to dismiss within the next 30 days, on or before January 11, 2013.

4. This Motion is not being brought for request is not made for purposes of undue delay, is brought in good faith, and will not prejudice any party to this proceeding.

WHEREFORE First American Properties, LLC respectfully requests that an Order be entered extending the deadline for First American Properties, LLC to respond to the People of the State of Illinois's First Request for Admission of Facts until after the Board has ruled on First American Properties, LLC's motion to dismiss, and for such other relief as the Hearing Officer deems just and fair.

Respectfully submitted,

By:



One of the Attorneys for First American Properties, LLC

Tina B. Solis
Jamie A. Robinson
Brittany A. Smith
UNGARETTI & HARRIS LLP
70 W. Madison, Ste. 3500
Chicago, Illinois 60602
312-977-4394
Attorneys for Respondent
First American Properties, LLC

Dated: December 13, 2012

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **First American Properties, LLC's Motion for Extension of Time to Hearing Officer Bradley P. Halloran**, via U.S. mail, upon the following persons:


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Assistant Attorney General
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Chicago, Illinois 60602



Tina B. Solis

Dated: December 13, 2012

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Attorneys for Respondent
First American Properties, LLC

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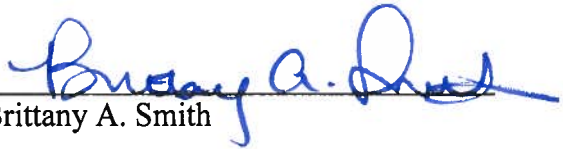
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APPEARANCE

Brittany A. Smith, of Ungaretti & Harris LLP, hereby enters her appearance in this proceeding, on behalf of First American Properties, LLC.


Brittany A. Smith

Tina B. Solis
Jamie A. Robinson
Brittany A. Smith
UNGARETTI & HARRIS LLP
70 W. Madison, Ste. 3500
Chicago, Illinois 60602
312-977-4394
Attorneys for Respondent
First American Properties, LLC

Dated: December 13, 2012

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **Appearance**, via U.S. mail, upon the following persons:


Zemeheret Bereket-AB
Assistant Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

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Anthony Montalbano, Manager
1801 S. Meyers Road #500
Oakbrook Terrace, Illinois 60181

Gina Krol, Esq.
105 W. Madison St., Suite 1100
Chicago, Illinois 60602



Brittany A. Smith

Dated: December 13, 2012

Tina B. Solis
Jamie A. Robinson
Brittany A. Smith
UNGARETTI & HARRIS LLP
70 W. Madison, Ste. 3500
Chicago, Illinois 60602
312-977-4394
Attorneys for Respondent
First American Properties, LLC

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
LISA MADIGAN, Attorney General of the)
State of Illinois,)
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Complainant,)
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vs.)
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an Illinois corporation, FIRST AMERICAN)
PROPERTIES, L.L.C., an Illinois limited)
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APPEARANCE

Tina B. Solis, of Ungaretti & Harris LLP, hereby enters her appearance on behalf of the Respondent, First American Properties, L.L.C.

Tina B. Solis
One of the Attorneys for Respondent,
First American Properties, LLC.

Dated: December 13, 2012

Tina B. Solis
Jamie A. Robinson
Brittan A. Smith
Ungaretti & Harris LLP
3500 Three First National Plaza
Chicago, Illinois 60602
(312) 977-4482

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of December, 2012, a copy of the Appearance was served upon the persons listed below, via U.S. mail, on or before the hour of 5:00 p.m.

Zemeheret Bereket-AB
Assistant Attorney General
Enviornmental Bureau North
69 W. Washington Street
Suite 1800
Chicago, Illinois 60602

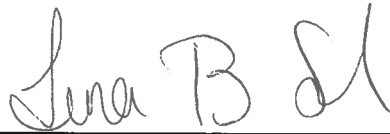
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Anthony Montalbano,
Manager
1801 S. Meyers Road #500
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Gina Krol, Esq.
105 W. Madison Street
Suite 1100
Chicago, Illinois 60602

By: _____



Tina B. Solis
One of the Attorneys for Respondent,
First American Properties, LLC.

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LISA MADIGAN, Attorney General of the)
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APPEARANCE

Jamie A. Robinson, of Ungaretti & Harris LLP, hereby enters her appearance on behalf of the Respondent, First American Properties, L.L.C.



Jamie A. Robinson
One of the Attorneys for Respondent,
First American Properties, LLC.

Dated: December 13, 2012

Tina B. Solis
Jamie A. Robinson
Brittan A. Smith
Ungaretti & Harris LLP
3500 Three First National Plaza
Chicago, Illinois 60602
(312) 977-4456

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Gina Krol, Esq.
105 W. Madison Street
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Chicago, Illinois 60602

By: 
Jamie A. Robinson
One of the Attorneys for Respondent,
First American Properties, LLC.