

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MARTIN MAGGIO,)	
)	
Petitioner)	
)	
v.)	No. PCB 13-10
)	
COUNTY OF WINNEBAGO,)	(Pollution Control Facility Siting Appeal)
WINNEBAGO COUNTY BOARD and)	
WINNEBAGO LANDFILL COMPANY,)	
LLC,)	
)	
Respondents)	

PETITIONER'S UNAPOPOSED MOTION FOR PARTIAL VOLUNTARY DISMISSAL

Now comes Petitioner, Martin Maggio ("Maggio"), by his attorneys, and for us unopposed Motion for Partial Voluntary Dismissal of one of the claims in his pending Appeal herein, states:

1. Maggio filed the instant Appeal on August 15, 2012. This Board found that the Appeal was timely filed and accepted the Appeal via its Order of August 23, 2012.
2. The Appeal was initially based on two grounds – that the Winnebago County Board lacked jurisdiction to hear or rule on the subject siting application because all persons entitled to notice had not been properly served, and that the proceedings before the County Board had been fundamentally unfair.
3. After limited discovery, Maggio has elected to withdraw the fundamental fairness claim, so that this Appeal shall now proceed solely on the issue of the County Board's lack of jurisdiction.
4. The instant Motion is unopposed.

Wherefore, Maggio requests that his Motion for Partial Voluntary Dismissal be granted, so that the instant Appeal may proceed forward solely on the issue of the Winnebago County Board's lack of jurisdiction.

Respectfully Submitted,
Martin Maggio

By: 
One of his attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of Petitioner's PETITIONER'S UNAPPOSED MOTION FOR PARTIAL VOLUNTARY DISMISSAL to be served on the following, via email transmission, on the on this 2nd day of January, 2013:

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