

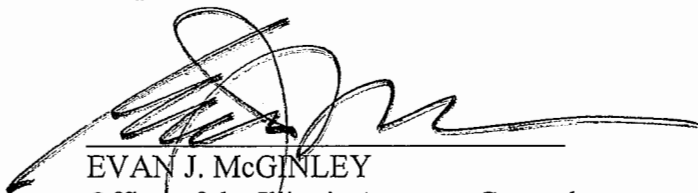
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	PCB No. 2010-20
Complainant,)	
)	(Enforcement - Water)
vs.)	
)	
MONTALBANO BUILDERS, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that today, May 2, 2013, I filed with the Office of the Clerk of the Illinois Pollution Control Board, Complainant's, People of the State of Illinois, Motion to Withdraw its First Amended Complaint, a copy of which is attached hereto and hereby served on you.

Respectfully Submitted,



EVAN J. MCGINLEY
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312.814.3153
emcginley@atg.state.il.us

THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	PCB No. 2010-20
Complainant,)	
)	(Enforcement - Water)
vs.)	
)	
MONTALBANO BUILDERS, INC.,)	
an Illinois corporation, and MBC XIV, LLC, a)	
defunct Illinois limited liability corporation,)	
)	
Respondents.)	

MOTION TO WITHDRAW FIRST AMENDED COMPLAINT

Complainant, the People of the State of Illinois, by and through its attorney, Lisa Madigan, Attorney General of the State of Illinois, hereby moves the Pollution Control Board (“Board”), for leave to withdraw its First Amended Complaint in this action, in anticipation of its forthcoming motion for leave to file a Second Amended Complaint. In support of this motion, Complainant states as follows:

1. On September 8, 2009, Complainant initiated this action with the filing of its Complaint, which named only one Respondent, Montalbano Builders, Inc. (“Montalbano”).
2. On August 3, 2011, Complainant filed its First Amended Complaint with the Board, naming two additional Respondents to this action, specifically, First American Properties, LLC (“First American”) and MBC XIV, LLC (“MBC”). Complainant’s prior counsel did not seek the Board’s leave prior to filing its First Amended Complaint.
3. On February 7, 2013, upon the retirement of the Complainant’s prior counsel, the undersigned counsel entered his appearance in this case. In the course of reviewing the docket in this case, the undersigned counsel determined that neither First American nor MBC had ever

been served with the First Amended Complaint.

4. On March 1, 2013, Complainant filed its Motion to Voluntarily Dismiss First American Properties, LLC. On March 31, 2013, the Board granted Complainant's motion and dismissed First American from this action.

5. Complainant anticipates filing a Second Amended Complaint with the Board before the end of May 2013, after first seeking Board's leave to file this pleading, which will name Montalbano, MBC, and three additional Respondents to this action.

WHEREFORE, Complainant, the People of the State of Illinois, respectfully prays that its motion be granted.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief,
Environmental Enforcement/Asbestos
Litigation Division

ELIZABETH WALLACE, Chief,
Environmental Bureau North



EVAN J. MCGINLEY
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312.814.3153
emcginley@atg.state.il.us

THIS FILING SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, EVAN J. MCGINLEY, do hereby certify that, on May 2, 2013, I caused to be served on the individuals listed below, by first class mail, a true and correct copy of the attached motion.

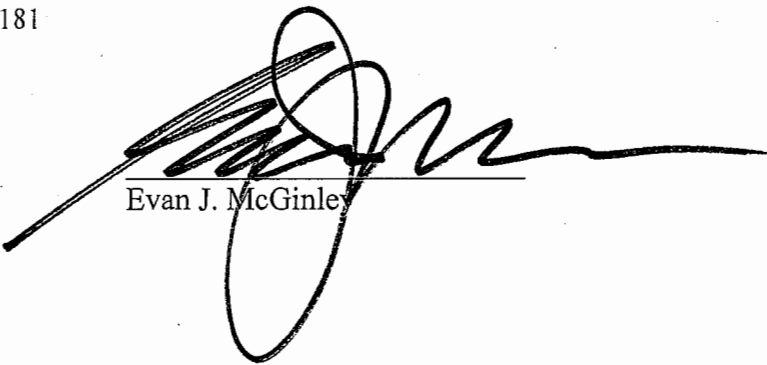
John Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

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

Anthony P. Montalbano
1010 Jorie Boulevard
Oakbrook, Illinois 60523-4442

Anthony Montalbano
1801 South Meyers Road
Suite 500
Oakbrook Terrace, Illinois 60181



Evan J. McGinley