

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

E.R. 1, LLC, assignee of CASEYVILLE)	
SPORT CHOICE, LLC)	
)	
Complainant,)	
)	
v.)	PCB 08-30
)	(Citizens Enforcement-Land)
ERMA I. SEIBER, ADMINISTRATRIX OF)	
THE ESTATE OF JAMES A. SEIBER,)	
DECEASED, ERMA I. SEIBER,)	
INDIVIDUALLY, and FAIRMOUNT PARK,)	
INC.,)	
)	
Respondents.)	

REPLY TO FAIRMOUNT PARK'S AFFIRMATIVE DEFENSES

NOW COMES Complainant E.R. 1, LLC, an assignee of Complainant Caseyville Sport Choice, LLC ("Caseyville"), and for its reply to the Affirmative Defenses set forth in Respondent Fairmount Park, Inc.'s ("Fairmount") *Answer to Second Amended Formal Complaint Including Affirmative Defenses and Counterclaims* ("Affirmative Defenses"), respectfully states the following:

REPLY TO FIRST AFFIRMATIVE DEFENSE

Caseyville admits that Respondent James Seiber was responsible for the violations of law. Caseyville expressly denies the implicit assertion that Fairmount bears no responsibility for the violations of law in question. Except as so admitted, Caseyville denies the other allegations set forth in the First Affirmative Defense.

REPLY TO SECOND AFFIRMATIVE DEFENSE

Caseyville admits that the "Defendant Seiber's activities were in . . . violation of the Illinois Environmental Protection Act." Except as so admitted, Caseyville denies the other allegations set forth in the Second Affirmative Defense.

REPLY TO THIRD AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Third Affirmative Defense.

REPLY TO FOURTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Fourth Affirmative Defense.

REPLY TO FIFTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Fifth Affirmative Defense.

REPLY TO SIXTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Sixth Affirmative Defense.

REPLY TO SEVENTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Seventh Affirmative Defense.

REPLY TO EIGHTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Eighth Affirmative Defense.

REPLY TO NINTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Ninth Affirmative Defense.

REPLY TO TENTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Tenth Affirmative Defense.

REPLY TO ELEVENTH AFFIRMATIVE DEFENSE

Caseyville denies the allegations set forth in the Eleventh Affirmative Defense.

WHEREFORE, E.R. 1, LLC, an assignee of Caseyville, having fully replied to Fairmount's Affirmative Defenses, respectfully requests that the Board will enter an order in Caseyville's favor and for any other and further relief as the Board deems appropriate.

Dated: May 20, 2013

Respectfully Submitted,

BRYAN CAVE LLP

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Of Caseyville Sport Choice, LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing reply was electronically filed with the Office of the Clerk and was served upon the following parties via U.S. mail on the 20th day of May, 2013:

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