

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUN 20 2003

GINA PATTERMANN,

Complainant,

v.

BOUGHTON TRUCKING AND  
MATERIALS, INC.,

Respondent.

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PCB No. 99-187  
(Citizens Enforcement - Noise, Air)

STATE OF ILLINOIS  
*Pollution Control Board*

NOTICE OF FILING

TO: See Attached Certificate of Service

Please take notice that on June 20, 2003, I filed with the Illinois Pollution Control Board this Notice of Filing, Motion For Leave to File Instantly, Respondent's Reply to Plaintiff's Response to Motion for Discovery Sanctions, and Affidavit of Attorney, copies of which are attached and hereby served upon you.

Dated: June 20, 2003

BOUGHTON TRUCKING AND MATERIALS, INC.

By: \_\_\_\_\_

One of its Attorneys

Mark R. Ter Molen, Esq.  
Patricia F. Sharkey, Esq.  
Kevin G. Desharnais, Esq.  
MAYER, BROWN, ROWE & MAW  
190 S. LaSalle Street  
Chicago, Illinois 60603  
(312) 782-0600

ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
*Pollution Control Board*

**MOTION FOR LEAVE TO FILE INSTANTER**

**REPLY TO PLAINTIFF'S RESPONSE TO MOTION FOR DISCOVERY SANCTIONS**

NOW COMES Respondent, Boughton Trucking and Material, Inc. ("Boughton"), by its attorneys, Mayer, Brown, Rowe & Maw, and moves the Board for Leave to File Instanter the attached ( and previously filed) Reply to Plaintiff's Response to Motion for Discovery Sanctions.

In support thereof, Respondent states as follows:

1. On June 10, 2003, Plaintiff filed a Response to Respondent's Motion for Discovery Sanctions together with the appearances of her new attorneys.
2. Plaintiff's Response contains new and unsupported factual allegations and arguments which require a Reply.
3. Plaintiff's Response also misconstrues certain case law and hearing officer orders, and, on that basis, also requires a Reply.
4. Respondent's Reply is necessary to fully inform the Board of the facts and law in this case.

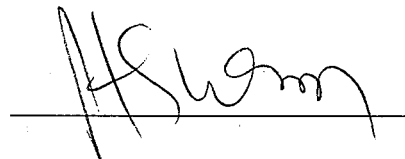
5. Respondent originally filed the attached Reply without a Motion for Leave to File on June 17, 2003. For the convenience of the Board, Respondent is filing another copy of that same Reply with this motion.

6. This motion is filed within 14 days after service of Plaintiff's June 10, 2003 Response and thus is timely under Section 101.500(e).

WHEREFORE, Respondent moves the Board for leave to file instant the attached Reply to Plaintiff's Response to Motion for Discovery Sanctions.

Respectfully submitted,

Date: 6/20/03



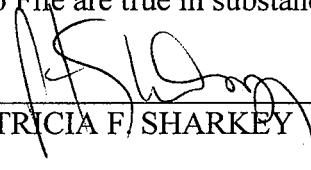
Boughton Trucking and Material, Inc.  
By One of Its Attorneys

Patricia F. Sharkey  
Mayer, Brown, Rowe & Maw  
190 South LaSalle Street  
Chicago, IL 60603  
312-782-0600  
Attorney Registration No. 6181113

STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF COOK       )

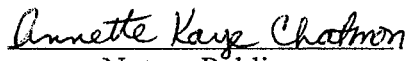
**AFFIDAVIT OF ATTORNEY**

The undersigned, Patricia F. Sharkey, being first duly sworn upon oath states that she is one of the attorneys for the Respondents in this action, Gina Pattermann v. Boughton Trucking and Materials, Inc., PCB 99-187, and that based upon her personal knowledge and investigation of the facts stated in the attached Motion For Leave to File Instanter Respondent's Reply to Plaintiff's Response to Motion for Discovery Sanctions, certifies her knowledge and belief that the allegations contained in this Motion for Leave to File are true in substance and in fact.

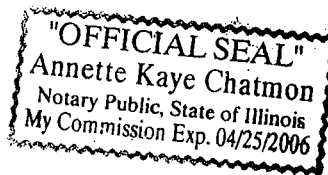
  
\_\_\_\_\_  
PATRICIA F. SHARKEY

STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF COOK       )

Signed and sworn to by Patricia F. Sharkey, who is personally known to me and appeared before me, a Notary Public, in and for the County of Cook, State of Illinois, on this 20th day of June, 2003, in order to affix her signature as her free and voluntary act.

  
\_\_\_\_\_  
Notary Public

Patricia F. Sharkey  
Attorney for Respondents  
Mayer, Brown, Rowe & Maw  
190 South LaSalle Street  
Chicago, Illinois 60603  
312-782-0600



**CERTIFICATE OF SERVICE**

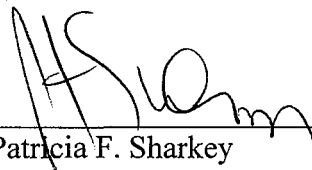
Patricia F. Sharkey, an attorney, hereby certifies that a copy of the attached Notice of Filing, Motion For Leave to File Instantly, Respondent's Reply to Plaintiff's Response to Motion for Discovery Sanctions, and Affidavit of Attorney was served on the persons listed below by Same Day Delivery or Overnight Delivery service, as indicated below on June 20, 2003.

Bradley Halloran  
Illinois Pollution Control Board  
100 West Randolph Street  
Chicago, IL 60601  
(Same Day Delivery)

Gina Pattermann  
4439 Esquire Circle  
Naperville, IL 60564  
(Overnight Delivery)

Roger D. Rickmon  
Tracy, Johnson, Bertani & Wilson  
116 North Chicago Street  
Sixth Floor, Two Rialto Square  
Joliet, IL 60432  
(Overnight Delivery)

Michael S. Blazer  
Matthew E. Cohn  
The Jeff Diver Group, LLC  
1749 S. Naperville Road, Suite #102  
Wheaton, IL 60187  
(Overnight Delivery)

  
\_\_\_\_\_  
Patricia F. Sharkey

Patricia F. Sharkey  
Attorney for Respondents  
Mayer, Brown, Rowe & Maw  
190 South LaSalle Street  
Chicago, Illinois 60603  
312-782-0600