

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**

CLERK'S OFFICE

PEOPLE OF THE STATE OF ILLINOIS, )

JUL 1 2003

Complainant, )

STATE OF ILLINOIS

v. )

PCB NO. 00-104 *Pollution Control Board*  
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited  
liability corporation, MURPHY FARMS, INC.,  
a/k/a MURPHY FAMILY FARMS, a North  
Caroline corporation, and BION  
TECHNOLOGIES, INC., a Colorado corp., )

Respondents. )

NOTICE OF FILING

To: Mr. Frank H. Hackmann, Esq.  
Sonnenschein Nath & Rosenthal  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102

Mr. Charles M. Gering, Esq.  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO RESPOND TO RESPONDENT HIGHLAND'S MOTION FOR SUMMARY JUDGMENT ON COUNT I OF THE AMENDED COMPLAINT, a copy of which is attached hereto and herewith served upon you.

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

BY: Jane E. McBride

JANE E. McBRIDE  
Assistant Attorney General  
Environmental Bureau

by  
JD

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: June 27, 2003

### CERTIFICATE OF SERVICE

I hereby certify that I did on June 27, 2003, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled COMPLAINANT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO RESPOND TO RESPONDENT HIGHLAND'S MOTION FOR SUMMARY JUDGMENT ON COUNT I OF THE AMENDED COMPLAINT

To: Mr. Frank H. Hackmann, Esq.  
Sonnenschein Nath & Rosenthal  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102  
(Via facsimile (314) 259-5959)

Mr. Charles M. Gering, Esq.  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096  
(Via facsimile (312) 984-7700)

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Mr. Brad Halloran, Hearing Officer  
Illinois Pollution Control Board  
State of Illinois Center, Ste. 11-500  
100 West Randolph  
Chicago, IL 60601  
(Via facsimile (312) 814-3669)

  
Jane E. McBride  
Assistant Attorney General

6 x 7 D

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUL 1 2003

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS )

Complainant, )

v. )

PCB No. 00-104  
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited  
liability corporation, and MURPHY  
FARMS, INC., (a division of MURPHY-  
BROWN, LLC, a North Carolina limited  
liability corporation, and SMITHFIELD  
FOODS, INC., a Virginia corporation). )

Respondents. )

COMPLAINANT'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO RESPOND TO  
RESPONDENT HIGHLAND'S MOTION FOR SUMMARY JUDGMENT  
ON COUNT I OF THE AMENDED COMPLAINT

NOW COMES, Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, and moves the Hearing Officer for an extension of time within which to respond to Respondent's Motion for Summary Judgment on Count I of the Amended Complaint and, in support thereof, states as follows:

1. Complainant received Respondent's Motion for Summary Judgment on Count I of the Amended Complaint on June 17, 2003.
2. Although counsel for the Complainant has been working diligently in the preparation of a response to the motion, Complainant requires additional time to prepare its response.
3. On June 26 and June 27, 2003, counsel for Complaint exchanged voice phone messages with counsel for Respondent Highlands regarding whether or not Respondent Highlands would have an objection to Complainant's request for additional time. Mr. Jeffrey W. Tock, counsel for The Highlands, indicated he had no objection to a two-week extension of time.

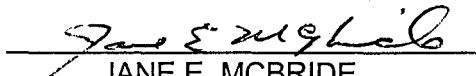
WHEREFORE, Complainant respectfully request that the time within which it is required to respond to Respondent's Motion for Summary Judgment on Count I of the Amended Complaint be extended through Friday July 11, 2003.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
ex rel. JAMES E. RYAN, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY:

  
JANE E. MCBRIDE  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
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