

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 12-035
	)	(Enforcement – Water)
SIX M. CORPORATION Inc., an Illinois,	)	
Corporation, and WILLIAM MAXWELL,	)	
	)	
	)	
Respondents.	)	
	)	
and	)	
	)	
JAMES MCILVAIN,	)	
	)	
Necessary Party.	)	

To: See attached Service List

PLEASE TAKE NOTICE that on this 22nd day of May, 2018, I caused to be filed with the Illinois Pollution Control Board, via the “COOL” System the attached Motion for Extension of Time to File Amended Complaint, a true and correct copy of which is attached hereto and is hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

By: /s/ Elizabeth Dubats  
Elizabeth Dubats  
Assistant Attorney General  
Environmental Bureau  
Environmental Bureau  
69 W. Washington, 18<sup>th</sup> Floor  
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**SERVICE LIST**

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**CERTIFICATE OF SERVICE**

I, Elizabeth Dubats, an Assistant Attorney General, do certify that I caused to be served this 22nd day of May, 2018, the attached Notice of Electronic Filing and Motion for Extension of Time to File Amended Complaint on the parties named on the attached service list by electronic mail.

By: /s/ Elizabeth Dubats

Elizabeth Dubats  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington, 18<sup>th</sup> Floor  
Chicago, Illinois 60602  
(312) 814-2069

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JAMES MCILVAIN,	)	
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Necessary Party.	)	

**MOTION FOR EXTENSION OF TIME TO FILE AMENDED COMPLAINT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 101.522 of the Pollution Control Board’s (“Board”)’s Procedural Rules 35 Ill. Adm. Code 101.522 and requests an extension of time to file a motion for leave to file an amended complaint, and a proposed amended complaint. In support thereof, the Complainant states as follows:

1. Section 101.522 of the Board’s Procedural Rules 35 Ill. Adm. Code 101.522 provides as follows:

The Board or hearing officer, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time.

2. Section 103.206(d) of the Board’s Procedural Rules, 35 Ill. Adm. Code 103.206(d), provides as follows:

(d) If a party wishes to file a counter-complaint, cross-complaint, or third-

party complaint, the party must move the Board for leave to file the pleading. If a party wishes to file an amendment to a complaint, counter-complaint, cross-complaint, or third-party complaint that sets forth a new or modified claim against another person, the party who wishes to file the pleading must move the Board for leave to file the pleading.

3. On August 25, 2011, Complainant filed its Complaint (“Original Complaint”) against Six M. Corporation, Inc., an Illinois corporation; William Maxwell and Marilyn Maxwell.

4. Subsequent to the filing of the Original Complaint, Respondent, Marilyn Maxwell was dismissed out of the matter on November 17, 2011 with Complainant’s consent on suggestion of her death.

5. Respondent William Maxwell passed away on March 4, 2018.

6. During an April 30, 2018 status hearing, Complainant orally sought leave to file a First Amended Complaint and requested thirty (30) days to file the Motion for Leave to Amend and First Amended Complaint. The hearing officer order provided as follows:

Within the next 30 days, the People will file a motion for leave to amend the complaint, along with an amended complaint, to substitute an appropriate respondent. Respondent Six M. Corporation will have 14 days to respond to the People’s motion.

7. Complainant requests an extension of thirty (30) days to file the motion for leave to amend the complaint, and an amended complaint to provide time for agency and management review and approval of the First Amended Complaint.

8. Complainant requests the telephone status conference set for July 2, 2018 at 10:00a.m. remain as scheduled at which time Respondents may advise the hearing officer regarding their response.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests additional time to file a motion

for leave to amend the Original Complaint, and an amended complaint, pursuant to Section 101.522 of the Pollution Control Board's Procedural Rules 35 Ill. Adm. Code 101.522.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
Attorney General of the  
State of Illinois

BY: /s/ Elizabeth Dubats

Elizabeth Dubats  
Assistant Attorney General  
Environmental Bureau North  
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