

ILLINOIS POLLUTION CONTROL BOARD

April 18, 1974

CITIZENS FOR A BETTER ENVIRONMENT,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 74-20
	)	
CIRCUIT ETCHING TECHNICS, INC.,	)	
et al,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by Mr. Henss)

Complainant Citizens for a Better Environment has filed Motion for Special Finding requesting that this Board make a determination that there is no just reason for delaying appeal as to the Board's dismissal of Counts II and III. We believe that the motion is premature at this time and will deny it. Count II is essentially a demand that the Environmental Protection Agency commence action similar in nature to the action which is now pending in Count I. Count III is a request for attorney fees for the proving of a violation in Count I. It seems to us that Counts II and III to a certain extent rest upon the validity of Count I. If Complainant fails to make a case on Count I then, even under Plaintiff's theory, Counts II and III would be inappropriate. We would expect the Appellate Court to reject any partial appeal of this case under such circumstances.

The Motion for Special Finding is hereby denied.

Mr. Marder dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 18<sup>th</sup> day of April, 1974 by a vote of 4 to 1.

*Christan L. Moffett*  
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