

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter Of:)	
)	
JOHNS MANVILLE, a Delaware corporation,)	
)	
Complainant,)	PCB No. 14-3
)	
v.)	
)	
ILLINOIS DEPARTMENT OF TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on December 30, 2019, I caused to be filed with the Clerk of the Pollution Control Board of the State of Illinois, *Complainant's Response to Respondent's Motion to Reschedule Hearing*, a copy of which is attached hereto and herewith served upon you via e-mail. Paper hardcopies of this filing will be made available upon request.

Dated: December 30, 2019

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

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3. Given the lack of snowy conditions Chicago has experienced to date, the regulatory requirements that all sidewalks be clear, and the numerous transportation methods available, if careful, Mr. Gobelman should similarly have no issue attending the February 3 Hearing.

4. Extending the Hearing date, even two weeks, because of a “preference” (Motion, Exhibit A, ¶ 12) and not any medical requirement, will cause more prejudice to JM than IDOT portrays. Given the number of witnesses requiring coordination on JM’s side and given already-existing scheduling conflicts, if IDOT’s Motion is granted, it is unlikely that Hearing could proceed before late April 2020.

5. IDOT has already been granted one hearing cancellation in this matter. (*See* April 28, 2016 Hearing Officer Order.) That it occurred in the “first phase” of the case makes no difference under the Board rules. 35 Ill. Admin. Code 101.510(b). This 2014 case should proceed as scheduled, particularly where the Motion was not diligently filed. Mr. Gobelman was given the three-month estimate of his recovery time in mid-November 2019. (Motion, Exhibit A, ¶¶ 7-9.) Yet IDOT’s Motion was not filed until more than a month later.

6. JM is prepared to go to Hearing. IDOT’s Motion should be denied.

CONCLUSION

Accordingly, Complainant Johns Manville respectfully requests that the Hearing Officer deny IDOT’s Motion to Reschedule Hearing.

Dated: December 30, 2019

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

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