

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNS MANVILLE, a Delaware corporation,)	
)	
Complainant,)	
)	
v.)	PCB No. 14-3
)	(Citizen Suit)
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF FILING AND SERVICE

To: ALL PERSONS ON THE ATTACHED CERTIFICATE OF SERVICE

Please take note that today, September 10, 2020, I have filed with the Clerk of the Pollution Control Board “Respondent’s Motion to Cancel and Reschedule Hearing Set for September 21-25, 2020”, and served on each person listed on the attached service list with a copy of the same.

Respectfully Submitted,

By: *s/ Ellen F. O’Laughlin*
ELLEN F. O’LAUGHLIN
CHRISTOPHER J. GRANT
Assistant Attorneys General
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CERTIFICATE OF SERVICE

Johns Manville v. Illinois Department of Transportation, PCB 14-3 (Citizens)

I, ELLEN F. O'LAUGHLIN, do hereby certify that, today, September 10, 2020, I caused to be served on each of the individuals listed below, by electronic mail, a true and correct copy of the attached Respondent's Motion to Cancel and Reschedule Hearing Set for September 21-25, 2020.

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

Don Brown
Clerk of the Pollution Control Board
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s/ Ellen F. O'Laughlin
Ellen F. O'Laughlin

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**RESPONDENT'S MOTION TO CANCEL AND RESCHEDULE HEARING
SET FOR SEPTEMBER 21-25, 2020**

NOW COMES RESPONDENT, the Illinois Department of Transportation ("IDOT"), through its attorney KWAME RAOUL, Attorney General of the State of Illinois, and moves the Hearing Officer, pursuant to Illinois Pollution Control Board ("Board") Rule 101.510, 35 Ill. Adm. Code 101.510, to cancel the hearing scheduled for September 21, 2020 to September 25, 2020, and reschedule it as soon as possible in October 2020, to a date that is agreeable to all parties and the Board. IDOT states the following in support of this motion.

1. On July 6, 2020, the Hearing Officer issued an Order stating that the parties confirmed the dates of September 21 through 25, 2020 for the hearing. On August 19, 2020, the Hearing Officer issued Notice that the hearing is scheduled for September 21, 22, 23, 24 and 25, 2020.
2. On July 2, 2020, Christopher Grant filed his Appearance on behalf of IDOT in this matter. A copy of his Appearance is attached as Exhibit 1.
3. On September 9, 2020, Christopher Grant received positive test results for Covid 19. IDOT's counsel notified JM and the Hearing Officer the same day. Christopher Grant's Certified Statement is attached as Exhibit 2.

4. IDOT requests that the Hearing Officer cancel the hearing scheduled to begin September 21, 2020, because IDOT will not be able to be represented by Christopher Grant due to recently testing positive for Covid 19. Moreover, there is not enough time for another Assistant Attorney General to be able to learn and prepare for the complex issues involved in this hearing. If the hearing were to go forward on September 21 to 25, 2020, IDOT would be severely prejudiced due to its lack of representation by counsel.

5. IDOT requests that the Hearing Officer reschedule the hearing for the earliest possible date that is agreeable to IDOT, JM and the Board, in October 2020 or as soon as possible thereafter.

WHEREFORE, pursuant to Board Rule 101.510, 35 Ill. Adm. Code 101.510, Respondent, IDOT, respectfully requests that the hearing officer grant an order cancelling the hearing date of September 21, 2020 through September 25, 2020, and issuing an order rescheduling the hearing to dates in October of 2020 or as soon as possible thereafter, and for such other relief as the hearing officer deems to be appropriate and just.

Respectfully Submitted,

ILLINOIS DEPARTMENT OF TRANSPORTATION

s/ Ellen F. O'Laughlin

ELLEN F. O'LAUGHLIN
CHRISTOPHER J. GRANT
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EXHIBIT 1

APPEARANCE OF CHRISTOPHER GRANT ON BEHALF OF THE IDOT

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Respondent.)	

NOTICE OF FILING

Please take note that on July 2, 2020, I filed my appearance as additional counsel for Respondent in this Matter, a copy of which is attached and served upon you..

Respectfully Submitted,

BY: /s/ CHRISTOPHER GRANT
Senior Assistant Attorney General
Environmental Bureau
69 W. Washington St., #1800
Chicago, Illinois 60602
(312) 814-5388
cgrant@atg.state.il.us

Certificate of Service

I, CHRISTOPHER GRANT, an attorney do hereby certify that, today, July 2, 2020, I caused to be served on the individuals listed below, by electronic mail, a true and correct copy of the attached Appearance as additional counsel in this matter.

Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

Don Brown
Clerk of the Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
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Ms. Kristen Laughridge Gale
kg@nijmanfranzetti.com
Ms. Susan E. Brice
sb@nijmanfranzetti.com

/s/ CHRISTOPHER GRANT

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Respondent.)	

APPEARANCE

I hereby enter my appearance on behalf of Respondent, ILLINOIS DEPARTMENT OF TRANSPORTATION, as additional counsel. Assistant Attorney General Ellen O’Laughlin will participate as lead attorney for Respondent in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL,
Attorney General of the
State of Illinois

BY: /s/ CHRISTOPHER GRANT
Senior Assistant Attorney General
Environmental Bureau
69 W. Washington St., #1800
Chicago, Illinois 60602
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EXHIBIT 2

STATEMENT OF CHRISTOPHER GRANT

CERTIFIED STATEMENT OF CHRISTOPHER GRANT

I, Christopher Grant, an attorney, certify and state, as follows:

1. I am an Assistant Attorney General with the Illinois Attorney General's Office, Environmental Bureau. I have been with the Office since 2000.

2. I have handled numerous cases before the Illinois Pollution Control Board, and am familiar with the Board's procedural rules.

3. On July 2, 2020, I filed my appearance as additional counsel in the Case *John's Manville Inc. v. Illinois Department of Transportation*, PCB 14-3. AAG Ellen O'Laughlin is the lead attorney for Respondent in this matter.

4. After feeling unwell on September 8, 2020, I was tested for the Covid-19 virus at Immediate Care Center of Westmont, an authorized testing facility. On September 9, 2020 I was contacted by telephone by Dr. Alhussani reporting that my test results were positive. Dr. Alhussani notified me that I should quarantine at home for at least 14 days. I was also emailed a report from Dr. Ammar Hamad stating that the sample taken September 8, 2020 was "positive for Sars-coV-2, the coronavirus associated with Covid-19."

5. The hearing in Case No. PCB 14-3 is currently set for September 21 through September 24, 2020. As of the date of this Certified Statement, I would be unable to meet the quarantine requirements noted by Dr. Alhussani and still be able to participate in the scheduled hearing. In addition, I believe it prudent to be able to demonstrate through a subsequent negative test that my participation at hearing will not pose a risk to Board employees, witnesses, and fellow trial counsel. As of the date of this Certified Statement, I have not received guidance on a recommended date for retesting for the Covid-19 virus.

RESPECTFULLY SUBMITTED

/S/ Christopher Grant
CHRISTOPHER GRANT
Christopher Grant
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., Suite 1800
Chicago, IL 60602
(312) 814-5388

Dated: September 10, 2020