

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
MONTALBANO BUILDERS, INC., an)
Illinois corporation, CORTLAND-I-88, L.L.C.,)
an Illinois limited liability company, and)
MBC XIV, LLC, a revoked Delaware limited)
liability company, RB RESOLUTION)
PROPERTIES, LLC, an Illinois limited liability)
company, and DOUGLAS J. JOHNSON, an)
individual,)
)
Respondents.)

PBC No. 10-20
(Enforcement-Water)

RECEIVED
CLERK'S OFFICE
JUL 30 2013
STATE OF ILLINOIS
Pollution Control Board

 **ORIGINAL**

NOTICE OF FILING

TO: See attached Service List

PLEASE TAKE NOTICE that on July 30, 2013, the undersigned filed respondent RB Resolution Properties, LLC's **Motion for an Extension of Time to Answer or Otherwise Respond**, copies of which are herewith served upon you.

Edward P. Freud
Michael B. Bregman
Ruff, Weidenaar & Reidy, Ltd.
222 N. LaSalle St., Suite 700
Chicago, IL 60601
312-263-3890
Attorney No. 90713

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
JUL 30 2013
STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
MONTALBANO BUILDERS, INC., an)
Illinois corporation, CORTLAND-I-88, L.L.C.,)
an Illinois limited liability company, and)
MBC XIV, LLC, a revoked Delaware limited)
liability company, RB RESOLUTION)
PROPERTIES, LLC, an Illinois limited liability)
company, and DOUGLAS J. JOHNSON, an)
individual,)
)
Respondents.)

PBC No. 10-20
(Enforcement-Water)

 ORIGINAL

**MOTION FOR AN EXTENSION OF
TIME TO ANSWER OR OTHERWISE RESPOND**

NOW COMES the Respondent, RB RESOLUTION PROPERTIES, LLC (“RB Resolution”), by its attorneys, Ruff, Weidenaar & Reidy, Ltd., and for its motion for an extension of time up to and including October 11, 2013, to answer or otherwise respond to the Second Amended Complaint, states as follows:

1. The Complainant filed the Second Amended Complaint on or about May 15, 2013, (the “Complaint”) alleging that the respondents have violated certain provisions of the Illinois Environmental Protection Act. The gravamen of the Complaint is that RB Resolution has allowed contaminants to pollute waters within or around a Parcel which is largely undefined. (Complaint, pp. 9-11).

2. RB Resolution has no historical knowledge concerning the development of the Parcel or its surrounding properties, having only obtained certain real estate in 2011 by way of deed in lieu of foreclosure proceedings.

3. Counsel for RB Resolution requires additional time to investigate the facts and circumstances surrounding the claim as alleged.

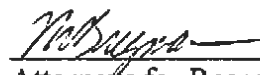
4. Since Complainant served RB Resolution with the Complaint, the parties have conferred concerning the allegations of the Complaint and the parties are pursuing possible settlement of the dispute.

5. "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." 35 Ill. Adm. Code 101.522.

6. Based on the foregoing, RB Resolution requests an extension of time up to and including October 11, 2013, to answer or otherwise respond to the Complaint. This request is consistent with the Hearing Officer Order entered July 25, 2013, in this matter, which states that respondents' respective answers are due to be filed on or before October 11, 2013.

WHEREFORE, the Respondent, RB RESOLUTION PROPERTIES, LLC, requests that this Board grant it an extension of time up to and including October 11, 2013, in which to answer or otherwise respond to the Second Amended Complaint.

Respectfully submitted,



Attorneys for Respondent
RB RESOLUTION PROPERTIES, LLC

Edward P. Freud
Michael B. Bregman
Ruff, Weidenaar & Reidy, Ltd.
222 N. LaSalle St., Suite 700
Chicago, IL 60601
312-263-3890
Attorney No. 90713

CERTIFICATE OF SERVICE

I, Carolyn Hackett, do hereby certify that, on July 30, 2013, I caused to be served on the individuals listed above, by first class mail, a true and correct copy of the attached Motion for Extension of Time to Answer or Otherwise Respond, by having true and correct copies affixed with proper postage placed in the U.S. Mail at 222 N. LaSalle St., Chicago, Illinois, 60601, at or before 5:00 pm.

Carol Hackett

SERVICE LIST

John Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

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

Evan J. McGinley
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, IL 60602

Gina Krol
105 W. Madison Street
Suite 1100
Chicago, IL 60602

James A. Robinson
Ungaretti & Harris LLP
70 W. Madison St.
Suite 3500
Chicago, IL 60602

Anthony P. Montalbano
1916 Midwest Club Drive
Oakbrook, IL 60523-2525

Douglas Johnson
1811 West Forestview Drive
Sycamore, IL 60548-2204

Lawrence M. Freedman
Registered Agent
Cortland-I-88, LLC
77 West Washington St, Suite 1211
Chicago, IL 60602

National Registered Agents, Inc.
MBC XIV, LLC
200 W. Adams St., Suite 2007
Chicago, IL 60606