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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 2 9 2003

GINA PATTERMANN) STATE OF ILLINOIS Pollution Control Board
Complainant,) PCB 99-187
v. BOUGHTON TRUCKING AND MATERIALS INC.	(Citizen Enforcement, Noise & Air)
Respondent.))

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on the 29th day of December, 2003, the undersigned caused to be filed with the Office of the Clerk of the Pollution Control Board the COMPLAINANT'S MOTION FOR LEAVE TO FILE RESPONSE MEMORANDUM INSTANTER, a copy of which is herewith served upon you.

THE JEFF DIVER GROUP, L.L.C.

Ву: _____

Michael S. Blazer Carrie I. Araujo THE JEFF DIVER GROUP, L.L.C. 1749 S. Naperville Road, Suite #102 Wheaton, IL 60187 (630) 681-2530

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

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	Complainant,)	STATE OF ILLINOIS PCB 99-187 Pollution Control Board
v. BOUGHTON TRUCKING AND MATERIALS, INC.		(Citizen Enforcement, Noise & Air)
	Respondent.)	

COMPLAINANT'S MOTION FOR LEAVE TO FILE RESPONSE MEMORANDUM INSTANTER

Now comes Complainant, Gina Pattermann ("Pattermann"), by her attorneys, and for her Motion for Leave to File her Memorandum in Response to the Motion for Summary Judgment of Respondent, Boughton Trucking and Materials, Inc. ("Boughton") for Discovery Sanctions, states:

- 1. Per the briefing schedule set by the Hearing Officer in this matter, Pattermann's Memorandum in Response to Boughton's Motion for Summary Judgment was due to be filed by December 17, 2003.
- 2. Due to circumstances beyond the control of Pattermann's lead counsel in this matter, Michael S. Blazer, counsel was unable to file the Response Memorandum by the due date. These circumstances included the following:
 - Mr. Blazer's partner, Jeffery D. Jeep, was hospitalized out of state from
 December 15 until December 22. This resulted in a staff shortage at
 Mr. Blazer's firm.
 - b. On December 13, Mr. Blazer's wife, who is also the Office Manager for
 Mr. Blazer's firm and primarily responsible for daily operations, was

advised that her sister was being hospitalized the next day, December 14, for kidney and pancreas transplant surgery. Because of this and resultant family obligations, neither Mr. nor Mrs. Blazer returned to work full time until December 22.

- 3. Although Pattermann's counsel made every effort to file the Response Memorandum in a timely fashion, the above events and the subsequent Christmas holiday rendered this effort impossible. The Response Memorandum has now been completed and is being tendered concurrently with this Motion.
- 4. Pattermann has not previously sought an extension of time in connection with this briefing schedule and Boughton would not be prejudiced in any way by the allowance of the instant Motion. Based on the foregoing, Pattermann asks this Board to grant her leave to file her Response Memorandum instanter.

Respectfully submitted, Gina Pattermann

By:

One of her attorneys

Michael S. Blazer Matthew E. Cohn The Jeff Diver Group, L.L.C. 1749 S. Naperville Road Suite 102 Whéaton, IL 60187 630-681-2530

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused the above and foregoing Notice of Filing and COMPLAINANT'S MOTION FOR LEAVE TO FILE RESPONSE MEMORANDUM INSTANTER, all on behalf of the Complainant, to be served via facsimile transmission upon the following:

Mark R. Ter Molen Patricia F. Sharkey Kevin G. Deshamais Mayer, Brown, Rowe & Maw 190 S. LaSalle Street Chicago, IL 60603 Fax No. (312) 706-9113

on this 29th day of December, 2003.

THE JEFF DIVER GROUP, L.L.C.

Michael S. Blazer