

ILLINOIS POLLUTION CONTROL BOARD
January 19, 1989

VILLAGE OF KILDEER,)
)
 Complainant,)
)
 v.) PCB 88-173
)
 VILLAGE OF LAKE ZURICH,)
 NICHOLS GROVE PROPERTIES,)
 LIBERTY LAKE PARTNERSHIP,)
 ESR/ANDEN CORPORATION,)
 LEXINGTON DEVELOPMENT CO.,)
 LEXINGTON HOMES, INC.,)
)
 Respondents.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on three motions. First, on January 9, 1989, complainant the Village of Kildeer filed its motion to voluntarily dismiss Nichols Grove Properties as a "defendant". That motion is granted, and Nichols Grove Properties is hereby dismissed as a respondent.

Second, on January 17, 1989 respondents ESR/Anden Corporation and Liberty Lake Partnership filed a motion for extension of time in which to respond to Kildeer's motion for interim relief. ESR/Anden and Liberty Lake state that Kildeer's motion raises complex issues, and that the motion is incomplete because Exhibits A and B, referred to in an affidavit with the motion, are not attached to the motion. Therefore, ESR/Anden and Liberty Lake ask for an extension of 14 days from the date which Kildeer's motion is made complete by attachment of Exhibits A and B.

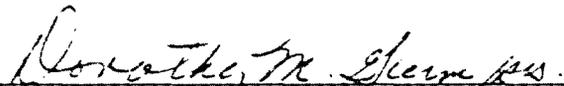
That motion for extension of time to reply is granted. The Board notes that Kildeer filed Exhibits A & B with the Board on January 17, 1989, along with a certificate of service stating that copies were mailed to all defendants on January 17. Allowing four days for delivery (see 35 Ill. Adm. Code 103.123), responses by all respondents are due on February 6, 1989. Because of the complex nature of the motion for interim relief, Kildeer may file a reply by February 14, 1989.

Finally, Kildeer's January 17 filing of Exhibits A and B was accompanied by a motion to file those exhibits and a motion to file three copies of those exhibits instead of ten copies. The motion to file is granted. However, the motion to file only

three copies of the exhibits is denied. Kildeer is directed to file the additional required copies.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of JANUARY, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board