

**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**

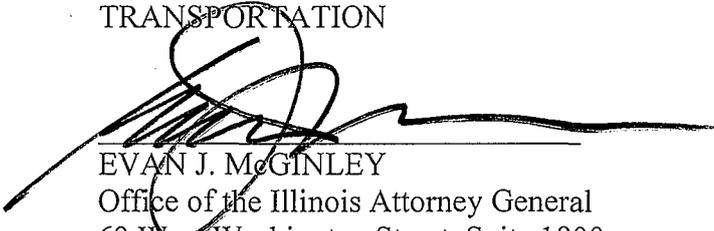
To: ALL PERSONS ON SERVICE LIST

Please take note that today, March 3, 2015, I have filed the following document in the above-referenced matter with the Clerk of the Illinois Pollution Control Board, a copy of which is attached hereto and is hereby served upon you:

- Respondent's Response to Complainant's Motion to Extend the Fact Discovery Deadline for a Limited Purpose

Respectfully Submitted,

ILLINOIS DEPARTMENT OF  
TRANSPORTATION



EVAN J. MCGINLEY  
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**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**RESPONDENT’S RESPONSE TO COMPLAINANT’S MOTION TO EXTEND THE  
FACT DISCOVERY DEADLINE FOR A LIMITED PURPOSE**

NOW COMES RESPONDENT, the Illinois Department of Transportation (“IDOT”), through its attorney LISA MADIGAN, Attorney General of the State of Illinois, which states the following in response to Complainant Johns Manville’s Motion to Extend the Fact Discovery Deadline for a Limited Purpose (“Motion”).:

1. On February 18, 2015, Complainant filed its Motion for the limited purposes of extending discovery beyond the parties’ previously agreed to February 20, 2015 deadline for completing fact discovery. The February 20<sup>th</sup> deadline was the result of the parties having negotiated a series of deadlines for completion of fact and expert discovery, as well as the filing of motions for summary judgment.

2. The Motion requests that the Board allow Johns Manville - but only Johns Manville - to continue fact discovery until April 6, 2015, citing issues related to IDOT’s production of emails in this case.

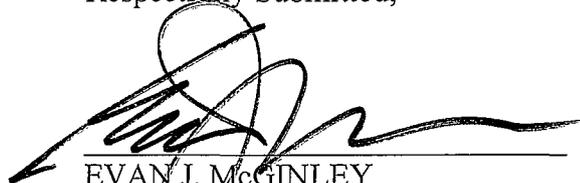
3. Johns Manville’s Motion should be granted, but only if it extends the time for conducting fact discovery as to all parties. As Johns Manville points out in its underlying

granting of this Motion will not prejudice IDOT (a proposition that IDOT agrees with). Similarly, providing an extension for fact discovery as to all parties will not prejudice Johns Manville.

4. Substantial fact discovery has already taken place in this action. Allowing an extension of time for all parties to conclude fact discovery in this case will allow the parties the opportunity to fully prepare this case for summary judgment and/or hearing.

WHEREFORE, Respondent the ILLINOIS DEPARTMENT OF TRANSPORTATION, requests that Complainant JOHNS MANVILLE's Motion to Extend Discovery be granted so as to extend discovery until April 6, 2015, but that in granting Johns Manville's Motion, that the April 6, 2015 extension be applicable to both parties.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

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

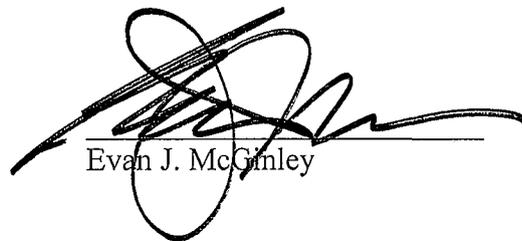
I, EVAN J. MCGINLEY, do hereby certify that, today, March 3, 2015, I caused to be served on the individuals listed below, by first class mail, a true and correct copy of the attached

Notice of Filing:

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