

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

_____)
 BNSF RAILWAY COMPANY, f/k/a The)
 Burlington Northern and Santa Fe Railway)
 Company,)
)
 Complainant,)
)
 vs.)
)
 INDIAN CREEK DEVELOPMENT)
 COMPANY, an Illinois Partnership, individually)
 and as beneficiary under trust 3291 of the Chicago)
 Title and Trust Company dated December 15, 1981)
 and the Chicago Title & Trust Company, as trustee)
 under trust 3291, dated December 15, 1981, and)
 JB INDUSTRIES, INC.,)
)
 Respondents.)
 _____)

PCB-14-081


RECEIVED
 CLERK'S OFFICE
 JAN 27 2014
 STATE OF ILLINOIS
 Pollution Control Board

NOTICE OF FILING

TO: William J. Anaya
 Matthew E. Cohn
 Arnstein & Lehr LLP
 120 South Riverside Plaza
 Suite 1200
 Chicago, IL 606

PLEASE TAKE NOTICE that on January 27, 2014, the undersigned filed with the Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, James R. Thompson Center, Suite 11-500, Chicago, Illinois, **Complainant BNSF Railway Company's Unopposed Motion for Extension of Time to File Response to Motion to Dismiss Complaint**, a copy of which is herewith served upon you.

BNSF RAILWAY COMPANY

By: 

 One of Its Attorneys

Pam Nehring
Sean M. Sullivan
Jennifer Schuch
DALEY MOHAN GROBLE, P.C.
55 West Monroe Street
Suite 1600
Chicago, Illinois 60603
(312) 422-9999



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UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION TO DISMISS COMPLAINT

Complainant, BNSF Railway Company ("BNSF"), by its attorneys, Daley Mohan Groble, P.C., pursuant to § 101.500(d) of the General Rules of the Illinois Pollution Control Board ("Board") (35 Ill. Adm. Code 101.500(d)), moves the Board for entry of an order extending the time for BNSF to file its response to Respondents' Motion to Dismiss the Complaint for fourteen days, to and including February 10, 2014. In support of its Motion, BNSF states as follows:

1. Respondents filed their Motion to Dismiss on January 9, 2014, and served the Motion by United States mail. Pursuant to §§ 101.300(a) and (c) and § 101.500(d) of the Board's General Rules (35 Ill. Adm. Code 101.300(a), (c), 101.500(d)), BNSF's response to the Motion to Dismiss is due on January 27, 2014.

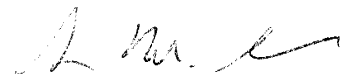
2. Counsel for BNSF has been engaged in trial preparation, discovery and motion practice in numerous cases during the period from January 9, 2014 to the present, including extensive work in civil litigation between BNSF and Respondent Indian Creek Development Company related to the underlying matters set forth in the Complaint.

3. BNSF therefore requests an extension of fourteen days, to and including February 10, 2014, to file its response to the Respondents' Motion to Dismiss.

4. Counsel for BNSF has consulted with counsel for Respondents and has been advised that Respondents do not object to the requested extension.

WHEREFORE, Complainant BNSF Railway Company moves for entry of any order extending the time for Complainant to respond to Respondents' Motion to Dismiss to and including February 10, 2014.

BNSF RAILWAY COMPANY

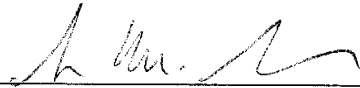
By: 
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Pam Nehring
Sean M. Sullivan
Jennifer Schuch
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55 West Monroe Street
Suite 1600
Chicago, Illinois 60603
(312) 422-9999

CERTIFICATE OF SERVICE

I, Sean M. Sullivan, an attorney, certify that I caused a true copy of the foregoing
BNSF's Motion for Extension of Time to File Response to Motion to Dismiss Complaint to
be served upon the attorneys listed below, by electronic mail and U.S. mail on January 27, 2014:

William J. Anaya
Matthew E. Cohn
Arnstein & Lehr LLP
120 South Riverside Plaza
Suite 1200
Chicago, IL 60606

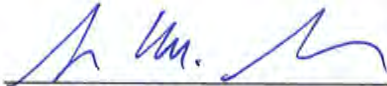


Sean M. Sullivan

CERTIFICATE OF SERVICE

I, Sean M. Sullivan, an attorney, certify that I caused a true copy of the foregoing **BNSF's Notice of Filing** to be served upon the attorneys listed below, by electronic mail and U.S. mail on January 27, 2014:

William J. Anaya
Matthew E. Cohn
Arnstein & Lehr LLP
120 South Riverside Plaza
Suite 1200
Chicago, IL 60606



Sean M. Sullivan