

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

E.R. 1, LLC, assignee of CASEYVILLE	)	
SPORT CHOICE, LLC	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 08-30
	)	(Citizens Enforcement-Land)
JAMES A. SEIBER, JR., EXECUTOR OF THE	)	
ESTATE OF ERMA I. SEIBER AND JAMES A.	)	
SEIBER, DECEASED, AND FAIRMOUNT	)	
PARK, INC.	)	
	)	
Respondents.	)	

**DISMISSAL WITH PREJUDICE**

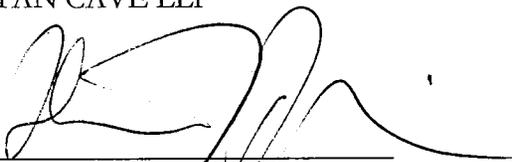
COMES NOW Complainant E.R. 1, LLC, an assignee of Complainant Caseyville Sport Choice, LLC ("Caseyville"), and dismisses with prejudice its claims against Respondents herein.

Each party to bear its own costs.

Dated: November 15, 2013

Respectfully Submitted,

BRYAN CAVE LLP

By: 

Daniel Nester (ARDC No. 6208872)  
 Steven J. Poplawski (ARDC No. 6193897)  
 John R. Kindschuh (ARDC No. 6284933)  
 Christopher Blaesing (ARDC No. 6298240)  
 One Metropolitan Square  
 211 North Broadway Suite 3600  
 St. Louis, MO 63102  
 Telephone: (314) 259-2000  
 Telefax: (314) 259-2020

*Attorneys for E.R. 1, LLC, As Assignee  
Of Caseyville Sport Choice, LLC*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing motion was electronically filed with the Office of the Clerk and was served upon the following parties via U.S. mail on the 15 day of November, 2013:

David J. Gerber  
Attorney at Law  
241 North Main Street  
Belleville, IL 62025  
*Attorney for Caseyville Sport Choice, LLC*

Donald W. Urban  
Sprague and Urban  
26 E. Washington Street  
Belleville, IL 62220  
*Attorneys for Erma I. Seiber*

Penni S. Livingston  
Attorney At Law  
5701 Perrin Road  
Fairview Heights, IL 62208  
*Attorney for Fairmount Park, Inc.*

K. Michael Bailey