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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

FEB 26 2004

STATE OF ILLINOIS
Pollution Control Board

VOGUE TYRE & RUBBER COMPANY,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Respondent.)

PCB No. 96-10
(UST Appeal)

NOTICE OF FILING

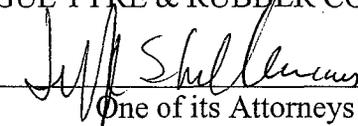
TO: Ms. Dorothy Gunn, Clerk of the Board
Illinois Pollution Control Board
State of Illinois Building
100 West Randolph Street - Suite 11-500
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
State of Illinois Building
100 W. Randolph Street – Suite 11-500
Chicago, Illinois 60601

John J. Kim
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on February 26, 2004, we filed with the Office of the Clerk of the Pollution Control Board Vogue Tyre & Rubber Company's Motion for Extension, a copy of which is attached hereto and hereby served upon you.

David M. Allen
Jeffrey E. Schiller
Schuyler, Roche & Zwirner
130 East Randolph, Suite 3800
Chicago, IL 60601
(312) 565-2400

VOGUE TYRE & RUBBER COMPANY
By: 
One of its Attorneys

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) PCB No. 96-10
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PETITIONER'S MOTION FOR EXTENSION

Petitioner, Vogue Tyre & Rubber Company ("Vogue"), by its attorneys, for its Motion for Extension of the hearing date for the Motion for Summary Judgment filed by the Illinois Environmental Protection Agency ("IEPA") states as follows.

1. Hearing on this matter is currently set for March 17, 2004.
2. Vogue requests and requires an extension of the hearing date because its counsel are currently involved with a case in the Northern District of Illinois, which case includes eight parties, a sixteen count complaint and multiple cross and counter-claims and motions for summary judgment. The reason for Vogue's request for an extension is that the pre-trial order in that case is expected to exceed one thousand pages which must be circulated and completed on March 17, 2004, to be finalized on filed on April 2, 2004. The Court has specifically stated that no extension will be granted. This scheduling order was not in effect when the parties previously agreed to the March 17, 2004 hearing date.
3. Respondent agrees to an extension.
4. Respondent recently sought an extension of its own and Vogue posed no objection to such request, which was duly granted.
4. This motion is not interposed for the purpose of harassment or delay.
5. Vogue seeks an extension to any date on or after April 12, 2004. Respondent has requested that the date be on a Wednesday or Friday, if possible.

Respectfully submitted,

VOGUE TYRE & RUBBER COMPANY

By: Jeffrey E. Schiller
One of its Attorneys

David M. Allen
Jeffrey E. Schiller
Schuyler, Roche & Zwirner, P.C.
One Prudential Plaza
130 E. Randolph Street, Suite 3800
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CERTIFICATE OF SERVICE

I, Mary Weidman, a non-attorney, certify that I caused copies of the foregoing Motion for Extension to be served by hand-delivery to:

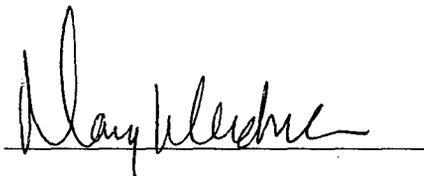
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Chicago, Illinois 60601

and by via facsimile to:

John J. Kim
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

on this 26th day of February, 2004.



Subscribed and Sworn to
before me this 26th day of
February, 2004

Eva Manos
Notary Public

