

FOR THE ILLINOIS POLLUTION CONTROL

SUSAN M. BRUCE,)
)
Complainant,)
)
v.) No. PCB 15-139
)
HIGHLAND HILLS SANITARY DISTRICT,)
)
Respondent.)

OBJECTION TO MOTION TO QUASH

Complainant, SUSAN M. BRUCE, by her attorneys ARONBERG GOLDGEHN DAVIS & GARMISA, objects to the motion of the respondent to quash her interrogatories and requests for production of documents. In opposition to the motion, complainant states as follows:

1. The complainant's counsel admits that she emailed her interrogatories and request for production to the respondent's counsel on February 16, 2016 around 9:47 pm, and that the certificate indicating February 15, 2016 was a clerical error.

2. February 15, 2016 was a holiday.

3. The parties have been routinely emailing documents in the matter to each other since respondent's counsel became involved in this matter. Indeed, the respondent's counsel emailed its own written discovery to complainant's counsel.

4. The complainant's counsel was unaware when serving her interrogatories and requests for production that the procedural rules applicable to these proceedings provide that a document served by email on a holiday are deemed served on the following day.

5. The complainant suggests that her counsel's error caused harm or delay, as the respondent's counsel likely received her interrogatories and requests for production by email sooner than if they were served on time by United States mail. In fact, the complainant's counsel

received the respondent's mailed copies of its written discovery on February 17, 2016, the day *after* complainant emailed her discovery requests.

6. The complainant will file an appropriate motion to extend the time for her to serve her interrogatories and requests for production by one day from February 16, 2016 to February 17, 2016.

Respectfully submitted,

ARONBERG GOLDGEHN DAVIS & GARMISA

/S/ Lawrence A. Stein

Lawrence A. Stein

Lawrence A. Stein
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CERTIFICATE OF FILING AND SERVICE

I, LAWRENCE A. STEIN, certify under penalty of perjury on this twenty-sixth day of February 2016, as follows:

1. I filed this *Objection to Motion to Quash* by emailing it to the hearing officer in this matter on February 26, 2016, after 5:00 pm.

2. I served this *Objection to Motion to Quash* by emailing it to the respondent's counsels in this matter on February 26, 2016, after 5:00 pm.

/S/ Lawrence A. Stein
