

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF NASHVILLE, ILLINOIS,)	
a municipal corporation,)	
)	
Petitioner,)	
)	
v.)	PCB 14-113
)	
SISCO CORPORATION, d/b/a SISCO)	
BOX CORPORATION, an Illinois)	
Corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Carol Webb, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **MOTION FOR EXTENSION OF TIME**, copies of which are herewith served upon you.

Respectfully submitted,
SISCO CORPORATION, d/b/a SISCO
BOX CORPORATION,
Respondent,

Dated: March 27, 2014

By: /s/ Edward W. Dwyer
One of Its Attorneys

Edward W. Dwyer
Ethan S. Pressly
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached MOTION FOR EXTENSION OF TIME upon:

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on March 27, 2014; and upon:

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Raymond Kolwiler, Mayor
City of Nashville
190 N. East Court Street
Nashville, Illinois 62263

William C. DeMoss, City Attorney
HohIt, House, DeMoss & Epplin
146 E. St. Louis Street
P. O. Box 249
Nashville, Illinois 62263

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on March 27, 2014.

/s/ Edward W. Dwyer
Edward W. Dwyer

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BOX CORPORATION, an Illinois)	
Corporation,)	
)	
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MOTION FOR EXTENSION OF TIME

NOW COMES Respondent, SISCO CORPORATION, d/b/a SISCO BOX CORPORATION, an Illinois Corporation (hereinafter referred to as "Sisco"), by and through their attorneys, HODGE DWYER & DRIVER and hereby requests an extension of time for fourteen (14) days, or until April, 10, 2014, in which to file its Answer or other responsive pleading in this matter. According to the Illinois Pollution Control Board's ("Board") regulations, a motion to dismiss a citizen's enforcement proceeding¹ as "duplicative" or "frivolous" must be filed within thirty-days from receipt of service unless a motion for extension is filed with the Board. 35 Ill. Admin. Code § 103.212(b). In support of this Motion, Sisco states as follows:

1. Sisco received the City of Nashville's (the "City") formal Complaint in this matter on February 25, 2014. Thus, Sisco's Motion to Dismiss in this matter would be due on March 27, 2014.

¹ The Board's procedural rules define "citizen's enforcement proceeding" as "an enforcement action brought before the Board pursuant to 31(d) of the Act by *any person* who is not authorized to bring the action on behalf of the People of the State of Illinois." 35 Ill. Admin. Code § 101.202.

2. The attorneys at HODGE DWYER & DRIVER (“HD&D”) were just recently engaged to represent Sisco in this matter.

3. HD&D’s initial review of the Complaint has identified several facial defects with the complaint.

4. The JP Acoustics report attached to the Complaint omits key information regarding whether any of the Board’s noise regulations, pursuant to 35 Ill. Admin. Code Part 901, may have been violated.

5. HD&D attorneys have conferred with council for the City regarding the attachments absent from the JP Acoustics report attached to the Complaint. Counsel for the City has agreed to confer with the report’s author, to obtain copies of the attachments, and to forward the attachments to HD&D. HD&D expect that this missing information will aid in determining whether a Motion to Dismiss should be filed in this matter.

6. HD&D’s attorneys, on information and belief, do not anticipate that the City will object to this motion.

WHEREFORE, for the above and foregoing reasons, Respondent, SISCO CORPORATION, d/b/a SISCO BOX CORPORATION, respectfully requests that this Court grant their Motion for Extension of Time to Answer for fourteen (14) days, or until April 10, 2014, in which to file its Answer or other responsive pleadings.

Respectfully submitted,

SISCO CORPORATION, d/b/a SISCO
BOX CORPORATION,
Respondent,

By: /s/ Edward W. Dwyer
Edward W. Dwyer

Dated: March 27, 2014

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