

ILLINOIS POLLUTION CONTROL BOARD
September 27, 1990

DANIEL LORDEN & HELEN LORDEN,)
)
 Complainants,)
)
v.)
)
)
SHERIDAN SOUTH CONDOMINIUM)
ASSOCIATION, JAMES A. HANSEN,)
CHARLES J. LEBRUN, ANDREA J.)
HROVATIN, JOIAN LEE, IVAN and)
CATALINA HORAK and SANDRA L.)
SCHUG-HANSEN,)
)
)
 Respondents.)

PCB 89-19
(Enforcement)

ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board on a "Motion for Judgment" filed on September 11, 1990 by respondent Sheridan South Condominium Association and a "Motion for Default and Imposition of Sanctions" filed on September 14, 1990 by respondents Charles J. Lebrun, Andrea Hrovatin, Joan Lee, Ivan and Catalina Horak, Sandra Schug-Hansen and James Hansen.

This protracted litigation came to hearing on September 7, 1990, at which time complainants orally moved for a voluntary non-suit and respondents orally moved for an order of default and judgment in their favor. The hearing officer entered an order on September 10, 1990 directing the respective parties to file written motions and accompanying memorandum with the Board no later than September 14, 1990 and to file responses to their responses to the respective motions no later than September 21, 1990. The hearing officer also noted in his order that complainants' counsel absented himself from the hearing without leave of the hearing officer. As noted above, respondents have filed their written motions as directed by the hearing officer. Complainants, however, have failed to file a written motion as directed.

Complainants were given the opportunity to present their case at the September 7, 1990 hearing and failed to meet their burden of proof. Complainants also failed to timely file a written motion for voluntary non-suit and to respond as directed to respondents' motions. Therefore, the Board hereby grants respondents' motions and this matter is dismissed with prejudice.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1041) provides for the appeal of final orders of the Board within 35 days. The Rules of the Supreme

Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the _____ day of _____, 1990, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board