

ILLINOIS POLLUTION CONTROL BOARD
January 22, 1998

MORTON COLLEGE BOARD OF)	
TRUSTEES OF ILLINOIS COMMUNITY)	
COLLEGE DISTRICT NO. 527,)	
)	
Complainant,)	
)	
v.)	PCB 98-59
)	(Enforcement - Land)
TOWN OF CICERO,)	
)	
Respondent.)	

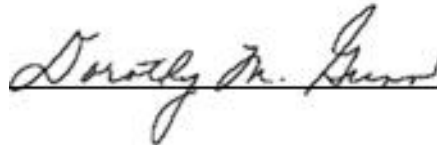
ORDER OF THE BOARD (by G.T. Girard):

On January 7, 1998, the respondent filed a motion requesting that the Board take judicial notice of a complaint filed in U.S. District Court by the complainant. On January 14, 1998, complainant responded to the motion asserting that the text of the motion is "additional argument on Cicero's underlying motion to dismiss" which the Board ruled on January 8, 1998. Complainant argues that the motion is therefore moot and even if not moot, the motion should be denied as the motion attempts to raise new arguments in support of the motion to dismiss. Complainant has no objection to the Board taking notice of the complaint being filed in federal court.

The Board grants the motion insofar as the Board takes notice of the complaint filed in federal court. Any arguments in the motion as to the propriety of the action before the Board are moot as the Board has already ruled on the motion to dismiss.

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 22nd day of January 1998, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board