

ILLINOIS POLLUTION CONTROL BOARD
June 17, 1998

BERNICE LOSCHEN,)
)
 Complainant,)
)
 v.) PCB 97-174
) (Enforcement - Air - Citizens)
 GRIST MILL CONFECTIONS, INC.,)
)
 Respondent.)

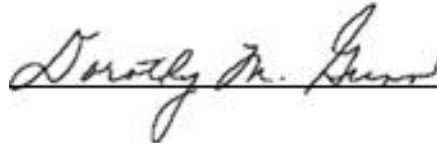
ORDER OF THE BOARD (by M. McFawn):

On June 4, 1998, Bernice Loschen (Loschen) filed a document entitled "Agreed Motion to Dismiss the Case." On June 3, 1998, the Board received from Grist Mill Confections, Inc. (Grist Mill) a response to the agreed motion to dismiss. Both pleadings were sent for filing on June 2, 1998.

The agreed motion is signed only by Loschen, and does not state whether the cause should be dismissed with or without prejudice. In the response, Grist Mill asserts that, based on the agreed motion to dismiss and the representations made by Loschen during a June 2, 1998, telephone conference call with hearing officer John Burds, it is Grist Mill's understanding and belief that Loschen wishes to dismiss her complaint with prejudice. As stated, this request is not found on the face of the agreed motion to dismiss. Accordingly, the motion is granted without prejudice, and this matter is dismissed. The docket is hereby closed.

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 17th day of June 1998 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board