

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ORIGINAL

FEB 17 2005

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

STATE OF ILLINOIS
Pollution Control Board

vs.

PCB No. 00-104
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited liability corporation, MURPHY FARMS, INC., a/k/a MURPHY FAMILY FARMS, a North Carolina corporation, and BION TECHNOLOGIES, INC., a Colorado corporation,

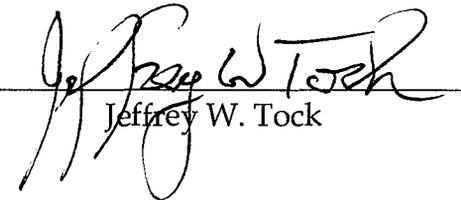
Respondents.

NOTICE OF FILING

To: Ms. Jane E. McBride
Assistant Attorney General
Environmental Bureau
500 S. Second Street
Springfield, IL 62706

Mr. Charles M. Gering
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606-5096

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board a Respondent The Highlands LLC's Motion to Strike Plaintiff's First Set of Interrogatories to Respondent The Highlands LLC, a copy of which is herewith served upon you.


Jeffrey W. Tock

February 14, 2005

Jeffrey W. Tock
Harrington & Tock
201 W. Springfield Avenue, Suite 601
P.O. Box 1550
Champaign, IL 61824-1550
Telephone: (217) 352-4167

ORIGINAL
CERTIFICATE OF SERVICE

RECEIVED
CLERK'S OFFICE

FEB 17 2005

STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on February 14, 2005, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled Respondent The Highlands LLC's Motion to Strike Plaintiff's First Set of Interrogatories to Respondent The Highlands LLC

To: Ms. Jane E. McBride
Assistant Attorney General
Environmental Bureau
500 S. Second Street
Springfield, IL 62706

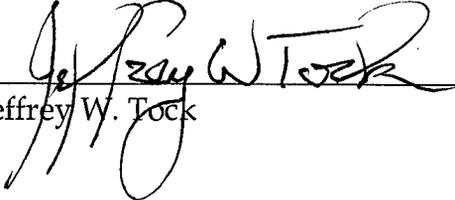
Mr. Charles M. Gering
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606-5096

and the original and four copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601

a copy was also sent by First Class Mail with postage thereon fully prepaid

To: Mr. Brad Holloran, Hearing Officer
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601


Jeffrey W. Tock

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS,

FEB 17 2005

Complainant,

STATE OF ILLINOIS
Pollution Control Board

vs.

PCB No. 00-104
(Enforcement)

THE HIGHLANDS, LLC, an Illinois limited liability corporation, and MURPHY FARMS, INC., (a division of MURPHY-BROWN, LLC, a North Carolina limited liability corporation, and SMITHFIELD FOODS, INC., a Virginia corporation).

Respondents.

RESPONDENT THE HIGHLANDS, LLC'S MOTION TO STRIKE PLAINTIFFS' FIRST SET OF INTERROGATORIES TO RESPONDENT THE HIGHLANDS LLC

COMES NOW the Respondent, The Highlands LLC, by its attorneys, Harrington & Tock, and respectfully moves to strike the Plaintiff's First Set of Interrogatories to Respondent The Highlands LLC, and, in support thereof, states as follows:

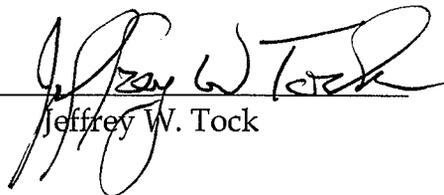
1. The People of the State of Illinois have propounded a First Set of Interrogatories to The Highlands LLC pursuant to Supreme Court Rule 213.
2. Pursuant to Supreme Court Rule 213(c) "a party shall not serve more than 30 interrogatories, including subparts, on any other party, except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than

30 interrogatories must be in writing and shall set forth the proposed interrogatories and the reasons establishing good cause for their use.”

3. The interrogatories propounded to The Highlands LLC are numbered 1 through 27. However, when each of those interrogatories is actually examined for all of the subparts contained therein, including information requested for each of 347 days identified in Exhibit “A” attached to those interrogatories, the actual number of interrogatories, including all subparts, is over 2,000 separate interrogatories.
4. The Plaintiff in this matter has not obtained leave of court and has not shown good cause as to why it is necessary for the proponent to have responses from The Highlands LLC to over 2,000 interrogatories.

WHEREFORE, Respondent The Highlands LLC respectfully prays that Plaintiff’s First Set of Interrogatories to Respondent The Highlands LLC be stricken in its entirety.

The Highlands L.L.C. by its
attorneys, Harrington & Tock

BY: 
Jeffrey W. Tock

Prepared by:

Jeffrey W. Tock
Harrington & Tock
201 W. Springfield Avenue, Suite 601
P.O. Box 1550
Champaign, IL 61824-1550
Telephone: (217) 352-4167