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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

OCT - 4 2004

MATE TECHNOLOGIES, INC.

v.

Complainant,

STATE OF ILLINOIS Pollution Control Board

PCB No. 2004-075

(Enforcement X)

F.I.C. AMERICA CORPORATION,

Respondent.

<u>COMPLAINANT'S MOTION FOR</u> VOLUNTARY DISMISSAL WITH PREJUDICE

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Complainant Mate Technologies, Inc. ("Complainant"), hereby moves this Board to voluntarily dismiss with prejudice all claims now pending in the present litigation against Respondent FIC America Corporation ("Respondent"). (This Motion is directed to the Board, rather than the Hearing Officer.) In support of this Motion, Complainant states as follows:

1. The Complaint in this case was filed on or about October 24, 2003.

2. Complainant and Respondent have settled all matters between them regarding the

Complaint, and Complainant desires to voluntarily dismiss Respondent with prejudice from this action.

3. Respondent has represented to Complainant that it will file no response to this Motion.

WHEREFORE, Complainant respectfully requests that this Board grant its Motion for

Voluntary Dismissal With Prejudice and so dismiss all claims now pending against Respondent.

Respectfully submitted,

MATE TECHNOLOGIES, INC.

4 By: Re S. Rosemarin Attorney for Mate Technologies, Inc.

Carey S. Rosemarin (Atty. No. 6181911) Law Offices of Carey S. Rosemarin, P.C. 500 Skokie Boulevard, Suite 510 Northbrook, IL 60062 847-897-8000 312-896-5786 (fax)

CERTIFICATE OF SERVICE

I, Carey S. Rosemarin, an attorney, hereby certify that I caused a copy of the foregoing "Complainant's Motion for Voluntary Dismissal with Prejudice" to be served upon

Bradley P. Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, IL 60601

and

Jeremy A. Gibson, Esq. Mitchell S. Chaban, Esq. Masuda, Funai, Eifert & Mitchell, Ltd. One E. Wacker Dr. Suite 3200 Chicago, IL 60601-2002

by regular U.S. Mail, on October 1, 2004.

A Carey S. Rosemarin

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