

ILLINOIS POLLUTION CONTROL BOARD

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JUL 14 2004
STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
) PCB 03-191
vs.)
) (Enforcement - Land)
)
COMMUNITY LANDFILL)
COMPANY, INC. and CITY OF)
MORRIS, an Illinois Municipal)
corporation,)
)
Respondent.)

MOTION FOR EXTENSION OF ORAL DISCOVERY

NOW COMES Respondent, COUNTY OF MORRIS, by and through its attorneys, HINSHAW & CULBERTSON LLP, and moves this Court for extension of the Oral Discovery Deadline, currently set for July 15, 2004, and in support thereof, states as follows:

1. Pursuant to the affidavit attached hereto, Attorney Charles F. Helsten is the attorney primarily responsible for handling this case on behalf of Respondent, County of Morris.
2. On May 13, 2004, Hearing Officer Bradley Halloran issued a discovery schedule requiring that all oral discovery be completed on or before July 15, 2004; however, Charles F. Helsten needs additional time to complete oral discovery in this case.
3. Specifically, Charles F. Helsten needs additional time to schedule and conduct the critical depositions of IEPA employees Joyce Munie and Blake Harris.
4. The undersigned counsel attempted to schedule the depositions of these individuals for July 13, 2004 and provided appropriate notice of such; however, Assistant Attorney General Christopher Grant informed Charles F. Helsten that the deponents were

unavailable on that date. Mr. Grant further informed Mr. Helsten that Ms. Munie would be on vacation until July 22, 2004.

5. Due to the unavailability of the deponents and the other obligations of Mr. Helsten referenced in the attached affidavit, it will be impossible for Mr. Helsten to depose the critical witnesses prior to the current discovery deadline of July 15, 2004.

6. For these reasons, Charles F. Helsten requests that the oral discovery deadline be extended up to and including August 1, 2004.

7. This request is not made for dilatory or any other improper purpose but, rather, to allow counsel adequate time to schedule and conduct the depositions of critical witnesses.

8. This request is necessary due to various scheduling conflicts and is not filed for any improper purpose.

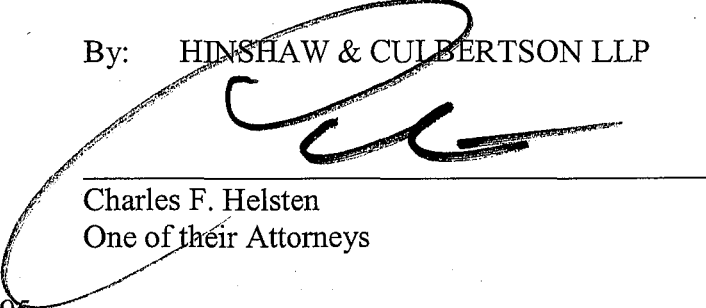
WHEREFORE, Respondent, CITY OF MORRIS, prays that this Court enter an order extending the deadline for oral discovery up to and including August 1, 2004.

Dated: July 13, 2004

Respectfully Submitted,

CITY OF MORRIS,
Respondent

By: HINSHAW & CULBERTSON LLP



Charles F. Helsten
One of their Attorneys

HINSHAW & CULBERTSON LLP-695
100 Park Avenue
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AFFIDAVIT OF ATTORNEY CHARLES F. HELSTEN

1. That Affiant is an attorney employed by Hinshaw & Culbertson LLP, who is primarily responsible for representing City of Morris in the above-referenced action.

2. Affiant is also the attorney with the primary responsibility of representing County of Kankakee in several appeals pending before the Third District Appellate Court, specifically 3-03-0924 and 3-03-0025.

3. In the months of June and July, 2004, the undersigned counsel had the following conflicts which make it necessary for him to seek an extension of the oral discovery deadline:

a. Drafting the Reply Brief on behalf of the County of Kankakee in *Town & Country Utilities, Inc. v. Illinois Pollution Control Board*, Appeal No. 3-03-0438, due to be filed on June 16, 2004;

b. Drafting a Brief on behalf of the County of Kankakee in *Waste Management, Inc. v. Illinois Pollution Control Board*, Appeal No. 3-03-0924, due to be filed on June 29, 2004;

c. Serving as a legal representative in numerous siting matters, most notably a siting hearing taking place in Lee County beginning on June 21, 2004.

d. In addition, I have been materially involved over the past several months in a matter directly pertaining to the Community Landfill in Morris, Illinois, which is the subject of this matter; namely, negotiations concerning the removal of the present methane gas to energy system now situated on the property, and the transition to a substitute system.

4. Noting that the oral discovery deadline was quickly approaching, the undersigned counsel attempted to schedule the depositions of two key witnesses, IEPA employees, Joyce Munie and Blake Harris, for July 13, 2004. However, the undersigned counsel was informed that the deponents were unavailable on that date and that Ms. Munie would not be available until after July 22, 2004.

5. This is Respondent's first request for extension.

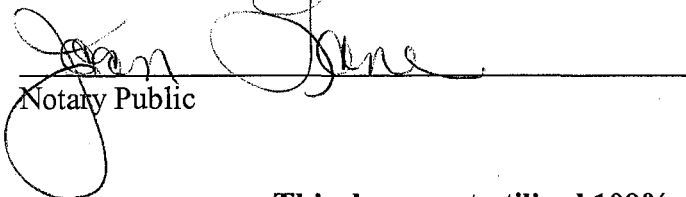
6. I am not seeking this extension to delay these proceedings or inconvenience the court or litigants. Rather, I am seeking it to meet my obligations in a realistic and orderly manner.

7. Affiant further sayeth not.



CHARLES F. HELSTEN

SUBSCRIBED and SWORN to
before me this 13th day of July, 2004.



Notary Public

"OFFICIAL SEAL"
JOAN LANE
Notary Public, State Of Illinois
My Commission Expires 4/23/2005

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AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on July 13, 2004, she served a copy of the foregoing upon:

Mr. Christopher Grant
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Fl.
Chicago, IL 60601

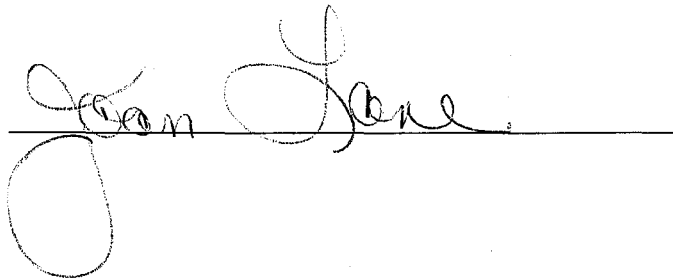
Scott Belt
Scott Belt and Associates, PC
105 E. Main Street, Suite 206
Morris, IL 60450

Clarrisa Grayson
LaRose & Bosco, Ltd.
734 N. Wells Street
Chicago, IL 60610

Ms. Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601

Bradley Halloran
Hearing Officer
Pollution Control Board
100 W. Randolph, Suite 11
Chicago, IL 60601

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.

A handwritten signature in cursive script, appearing to read "Jean Jones", is written over a horizontal line. Below the line, there is a large, stylized circular flourish or initial.

HINSHAW & CULBERTSON
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(815) 490-4900