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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JAN 20 2005

GINA PATTERMANN

Complainant,

v.

BOUGHTON TRUCKING AND MATERIALS,  
INC.

Respondent.

STATE OF ILLINOIS  
Pollution Control Board

PCB 99-187

(Citizen Enforcement,  
Noise & Air)

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on the 20<sup>th</sup> day of January, 2005, the undersigned caused to be filed with the Illinois Pollution Control Board the COMPLAINANT'S MOTION FOR VOLUNTARY DISMISSAL, a copy of which is herewith served upon you.

THE JEFF DIVER GROUP, L.L.C.



By: \_\_\_\_\_

Michael S. Blazer  
THE JEFF DIVER GROUP, L.L.C.  
1749 S. Naperville Road, Suite #102  
Wheaton, IL 60187  
(630) 681-2530

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**COMPLAINANT'S MOTION FOR VOLUNTARY DISMISSAL**

Now comes Complainant, Gina Pattermann ("Pattermann"), by her attorneys, and for her Motion pursuant to 35 IAC 101.500(a), 35 IAC 510 and 735 ILCS 5/2-1009 for Voluntary Dismissal of this matter, states:

1. This matter is currently scheduled to proceed to hearing on January 31, 2005. Pursuant to 35 IAC 101.500(a), the Board may entertain any motion the parties wish to file that is permissible under the Illinois Code of Civil Procedure.

2. Pursuant to §2-1009 of the Illinois Code of Civil Procedure, the plaintiff may, at any time before trial or hearing begins, upon notice and payment of costs, dismiss his or her action without prejudice.

3. Pattermann shall pay such costs as are within the meaning of §2-1009 upon submission of a statement for the same from Respondent.

Wherefore, Pattermann requests that this matter be dismissed, without prejudice.

Respectfully submitted,  
Gina Pattermann



By: \_\_\_\_\_  
One of her attorneys

Michael S. Blazer  
The Jeff Diver Group, L.L.C.  
1749 S. Naperville Road, Suite 102  
Wheaton, IL 60187  
630-681-2530

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused the above and foregoing Notice of Filing and COMPLAINANT'S MOTION FOR VOLUNTARY DISMISSAL, to be served via facsimile transmission upon the following:

Bradley P. Halloran  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601  
Fax No. (312) 814-3669

Patricia F. Sharkey  
Kevin G. Desharnais  
Mayer, Brown, Rowe & Maw  
190 S. LaSalle Street  
Chicago, IL 60603  
Fax No. (312) 706-9113

on this 20<sup>th</sup> day of January, 2005.



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Michael S. Blazer