

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1994

ANGELA M. WHITE,)	
)	
Complainant,)	
)	
v.)	PCB 94-150
)	(Enforcement)
TERRY & BILLIE VAN TINE &)	
SCHNEIDER NATIONAL)	
TRANS. INC.,)	
)	
Respondents.)	

ORDER OF THE BOARD (by E. Dunham):

This matter comes before the Board on a motion for extension of time filed by Terry & Billie Van Tine (Van Tines) on May 16, 1994. The motion seeks an extension until June 8, 1994 in which to respond to the complaint. The attorney for the Van Tines requests an extension as he is unable to adequately review, investigate and/or otherwise respond to the complaint due to commitments on pending matters in other cases.

On May 25, 1994, the complainant filed a response to the motion.¹ The complaint contends that the motion for extension of time should be denied as respondents were provided sufficient notice of the allegations of the complaint and the request for extension of time is merely a delay tactic. The motion for extension of time states that the motion is not made for the purpose of delay and that the parties will not be unduly prejudiced by the grant of an extension.

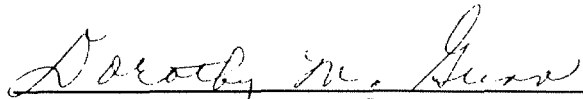
The Board does not believe that an extension at this point will create a substantial delay in the completion of this matter. The Board grants the motion for extension of time and allows the Van Tines until June 8, 1994 to file a response to the complaint.

Also before the Board is a motion to dismiss filed on May 20, 1994, by Schneider National Transportation. The Board will postpone ruling on the motion to dismiss until after the time granted for the Van Tines to file a response to the complaint.

IT IS SO ORDERED.

¹ The Board notes that the certificate of service attached to the response was not notarized.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 22nd day of June, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board