

ILLINOIS POLLUTION CONTROL BOARD
April 11, 1991

GOOSE LAKE ASSOCIATION,)
)
 Complainant,)
)
 v.) PCB 90-170
) (Enforcement)
)
 ROBERT J. DRAKE, SR., FIRST)
 NATIONAL BANK OF JOLIET AS)
 TRUSTEE, TRUST NO. 370)
)
 Respondents.)

ORDER OF THE BOARD (by J. C. Marlin):

This matter is before the Board on Plaintiff (sic)* Goose Lake Association's Motion to Add Additional Defendant filed March 26, 1991. On March 28, 1991 Respondents filed their Objection to Complainant's Motion to Add Additional Defendant ("Objection").

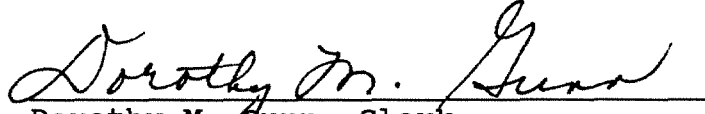
In addition to objecting to the motion raised by Complainant, the Respondents' Objection requests the Board to bar all issues raised by Complainant in an action filed by the developers of Botomika Subdivision against Grundy County, Illinois in the Grundy County Circuit Court. (see pars. 12-15 of Respondent's Objection) The Objection alleges that the Complainant was an intervenor-defendant in that action and was bound by a settlement agreement reached therein. That action was purportedly dismissed by the Grundy County Circuit Court (No. 88-MR-6) on September 26, 1990, (See Exhibit "D" to Respondent's Objection).

On October 25, 1990 the Board issued an Order finding the Complaint in this matter neither "duplicitous" nor frivolous. However, the circumstances of the suit referred to above were not considered by the Board in making this finding. The Board desires additional information concerning the issues raised in the Grundy County Circuit Court proceeding, and therefore grants Complainant 10 days from the date of today's Order to file a reply, including a copy of the settlement agreement entered into, if any. The Board will then consider the motion raised by Complainant and the Objection filed by Respondent.

IT IS SO ORDERED.

* Should be entitled "Complainant"; the opposing party, "Respondent."

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 11th day of April, 1991 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board