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JUL 19 2005

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 15, 2005

The Honorable Dorothy Gunn
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. The Highlands, LLC., et al.***
PCB No. 00-104

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and PROPOSED REVISED AGREED DISCOVERY SCHEDULE in regard to the above-captioned matter. Please file the original and return a file-stamped copy of the document to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jane E. McBride".

Jane E. McBride
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

JEM/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
THE HIGHLANDS, LLC, an Illinois limited)
liability corporation, and MURPHY)
FARMS, INC., (a division of MURPHY-)
BROWN, LLC, a North Carolina limited)
liability corporation, and SMITHFIELD)
FOODS, INC., a Virginia corporation),)
)
Respondents.)

PCB NO. 00-104
(Enforcement)

NOTICE OF FILING

To: Mr. Jeffrey W. Tock
Harrington, Tock & Royse
201 W. Springfield Avenue
Suite 601
Champaign, IL 61824-1550

Mr. Charles M. Gering
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606-5096

PLEASE TAKE NOTICE that on July 15, 2005, I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a PROPOSED REVISED AGREED DISCOVERY SCHEDULE, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
JANE E. McBRIDE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 15, 2005

CERTIFICATE OF SERVICE

I hereby certify that I did on July 15, 2005, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and PROPOSED REVISED AGREED DISCOVERY SCHEDULE

To: Mr. Jeffrey W. Tock
Harrington, Tock & Royse
201 W. Springfield Avenue, Ste. 601
P.O. Box 1550
Champaign, IL 61824-1550

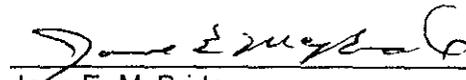
Mr. Charles M. Gering
McDermott, Will & Emery
227 West Monroe Street
Chicago, IL 60606-5096

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid and by facsimile (312) 814-3669

To: Mr. Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, IL 60601


Jane E. McBride
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS)
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 Complainant,)
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 THE HIGHLANDS, LLC, an Illinois limited)
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 FARMS, INC., (a division of MURPHY-)
 BROWN, LLC, a North Carolina limited)
 liability corporation, and SMITHFIELD)
 FOODS, INC., a Virginia corporation).)
)
 Respondents.)

PCB No. 00-104
(Enforcement)

PROPOSED REVISED AGREED DISCOVERY SCHEDULE

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and with the agreement and approval of the Respondent THE HIGHLANDS and Respondent MURPHY FARMS, INC., hereby submits the following proposed revised agreed discovery schedule for the continuing litigation between the parties.

With submission of this proposed revision, the Hearing Officer has asked for written justification for this additional request for an extension of time.

Counsel for the parties have been working diligently on responses to written discovery. The case has involved at least two years of investigation prior to the matter being filed and the matter has been pending for at least four years during which time a significant amount of additional information was generated. All parties have requested a large volume of information.

Respondent Murphy's involvement in this matter was only recently resolved with the Board's May 5, 2005 ruling on Respondent Murphy's motion to dismiss.

Further, counsel for the Respondents seek to protect certain documentation that is responsive to one of the requests. Counsel have been working on an agreed protective order regarding that issue.

In addition, counsel for all parties currently have significant other litigation obligations that have unavoidably, consistently interrupted the work required for this discovery effort.

Originally the discovery schedule was bifurcated among the parties. The schedules have now been made consistent and it is the parties' desire to proceed under a single schedule with all parties maintaining the same deadlines so that depositions may be conducted as efficiently as possible.

For the foregoing reasons, the parties respectfully request the Hearing Officer's consideration of the proposed extension of deadlines as set forth below:

All parties submit responses for all outstanding written discovery	September 16, 2005
Depositions of fact witnesses completed by all parties	December 16, 2005
Complainant shall disclose opinion and expert witnesses and opinions	January 20, 2006
Respondent Highlands and Murphy shall disclose opinion and expert witnesses and opinions	February 17, 2006
Depositions of all opinion and expert witnesses completed by all parties	March 17, 2006

All written discovery completed and
responses submitted

April 28, 2006

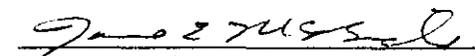
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


JANE E. MCBRIDE
Assistant Attorney General

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