

ILLINOIS POLLUTION CONTROL BOARD
October 27, 1982

KENNETH STEEL AND ROSEMARY STEEL,)
WILLIAM P. SUTTER AND HELEN SUTTER,)
Complainants,)
v.) PCB 82-16
GEORGE BUECHER, EDWARD BEUCHER and)
JOSEPH BEUCHER, as Trustees,)
Respondents,)
and)
THE COUNTY OF COOK, a home rule unit)
and the COOK COUNTY DEPARTMENT OF)
PUBLIC HEALTH,)
Respondent-Intervenors)

ORDER OF THE BOARD (by J.D. Dumelle):

On October 8, 1982 Respondents filed a motion for protective order relating to discovery to which Complainants responded on October 18, 1982. Also, on October 19, 1982 Complainants moved the Board to grant leave to substitute their newly retained attorneys, Hopkins and Sutter, for their former attorneys.

Respondents allege that Complainants answered some Interrogatories concerning tests of studies done by Complainants by offering to supply them upon Respondents' payment of their pro rata share of the fees charged by the experts who prepared them and that those studies would reveal other Interrogatory answers.

Complainants' response cites no authority in support of the unusual answer and merely indicates that this matter should be handled by the Hearing Officer. Normally, the Hearing Officer would properly make the initial ruling on such motions. However, Respondents allege that they have been unable to contact the Hearing Officer and that quick action is needed to complete discovery prior to hearing which is allegedly scheduled for November 8-12, 1982. The Board, however, has no record of any hearing having been scheduled in this matter. Further, if a hearing has been scheduled for those dates, it is already impossible to order that Complainants' expert witnesses be made available for depositions at least two weeks prior thereto as requested by Respondents.

In order to expedite matters, the Board will grant the motion for a protective order to the extent that Complainants are ordered to fully and completely answer the July 15, 1982 Interrogatories. The Board will not, however, set out any schedule for the future conduct of proceedings, but will rather leave that to the Hearing Officer.

The motion to substitute counsel is also granted.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27th day of October, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board