

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROBERT F. KASSELLA, JR., and
KELLIE R. KASSELLA,

Complainants,

v.

TNT LOGISTICS
NORTH AMERICA, INC.,

Respondent.

PCB No. 06-001
(Enforcement Noise)

NOTICE OF FILING

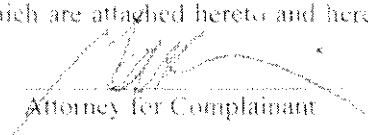
TO:

Ms. Dorothy M. Conn
Clerk of the Board
Illinois Pollution Control
Board
100 West Randolph St.
Suite 11-500
Chicago, IL 60601

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control
Board
100 West Randolph St.
Suite 11-500
Chicago, IL 60601

Edward W. Dwyer
Thomas G. Saffey
BODGE DWYER
ZEMAN
3150 Roland Ave
P.O. Box 5776
Springfield, IL 62705

PLEASE TAKE NOTICE that on December 5, 2005, NOLAN LAW OFFICE will file with the Office of the Clerk of the Illinois Pollution Control Board the attached **Motion for Leave to Amend Complaint Instantly**, copies of which are attached hereto and hereby served upon you.


Attorney for Complainant

Timothy M. Nolan, Mary A. Sullivan
NOLAN LAW OFFICE
Attorneys for Defendants
53 West Jackson Blvd., Suite 1137
Chicago, IL 60604-3702
(312) 322-1100; Fax (312) 322-1106

PROOF OF SERVICE

The undersigned attorney certifies that this notice is served by mailing a copy to each person to whom it is directed, by placing a copy of said document in an envelope properly addressed to each person above with postage prepaid and depositing same in the U.S. Mail at 53 W. Jackson Blvd., Chicago, Illinois on December 5, 2005.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROBERT F. KASSELLA, JR., and	)	
KELLIE R. KASSELLA,	)	
	)	
Complainants,	)	
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v.	)	PCB No. 06-001
	)	(Enforcement Noise)
TNT LOGISTICS	)	
NORTH AMERICA, INC.,	)	
	)	
Respondent,	)	

MOTION FOR LEAVE TO AMEND COMPLAINT, INSTANTER

NOW COME the Complainants, ROBERT F. KASSELLA, JR. and KELLIE R. KASSELLA, by and through their attorneys, NOLAN LAW OFFICE, and pursuant to 35 Ill. Adm. Code Section 101.502, move the Hearing Officer to enter an Order granting Complainants leave to amend their Complaint *instanter* or in the alternative to schedule a date certain for hearing on this Motion. In support hereof, Complainants state as follows:

On July 5, 2005, Complainants filed their Complaint with the Illinois Pollution Control Board alleging violations of 35 Ill. Adm. Code 901.102, 901.103, 901.104 and 901.106, seeking relief against Defendant for noise pollution emanating and resulting from Defendant's business.

Complainants sought, received and relied upon guidance of IPCB in drafting and filing their Complaint.

Complainants were not represented by counsel at the time of the filing of the Complaint.

On October 19, 2005, the NOLAN LAW OFFICE filed their Appearance on behalf of Complainants.

Complainants, by and through their attorney, seek leave to amend their Complaint by pleading a violation of 35 Ill. Adm. Code 900.107.

Complainants respectfully submit that this action will not cause undue delay or prejudice.

WHEREFORE, Complainants, ROBERT E. KASSELLA, JR. and KELLIE R. KASSELLA, pray for entry of an Order granting leave to their amended their Complaint *instantly*, or in the alternative to set a date certain for hearing on this Motion.

Respectfully submitted,

NOLAN LAW OFFICE



Attorney for Respondent
ROBERT E. KASSELLA, JR.
KELLIE R. KASSELLA

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