

ILLINOIS POLLUTION CONTROL BOARD
October 21, 1999

TERRENCE G. GRAF, MARCELLA)	
GRAF, JOE GRAF, LOUISE)	
GROTHPIETZ, MARGARIE OLSZEOSKI, LEONARD)	
OLSZEOSKI, MIKE CZEBOKOWSKI,)	
LOIS CZEBOKOWSKI, and LUCY CATLOW,)	
)	
Complainants,)	
)	
v.)	
)	
EMERALD LANDSCAPING and)	PCB 99-125
CPK LANDSCAPING,)	(Enforcement - Noise, Citizens)
)	
Respondents.)	
)	
)	

ORDER OF THE BOARD (by E.Z. Kezelis):

This matter was referred to the Board by the hearing officer for consideration of complainants' request to dismiss three complainants, Katherine Washburn, Robert Washburn, and George Aruleaf, from the list of complainants in this matter. During a conference call with the hearing officer on September 22, 1999, the designated lead complainant, Terrence Graf, requested that these three complainants be dismissed from the complaint, because they are no longer interested in participating.

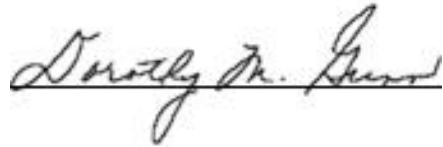
The Board dealt with a similar request in its order of July 22, 1999. The complainants had made an oral request for dismissal of two named complainants. At that time, and given the fact that complainants are proceeding *pro se*, the Board treated their oral request as a motion to dismiss. The Board will follow the same course here. It bears noting that counsel for respondents Emerald Landscaping and CPK Landscaping also participated in the September 22, 1999 conference call and voiced no objection to the dismissal of these three complainants. Accordingly, the Board grants the complainants' motion to dismiss Katherine Washburn, Robert Washburn, and George Aruleaf from this case.

The Board's July 22, 1999 order also noted that continued failure to serve the third named respondent, Valiquet, Inc., could result in dismissal of that respondent. Nearly three months have elapsed since then, and nearly eight months have elapsed since the complaint was filed. Complainants have still not effectuated service on this third respondent. Accordingly, the Board hereby dismisses Valiquet, Inc. from this action on the basis that complainants have failed to prosecute their alleged claim against it.

The caption of this order reflects the dismissal of Katherine Washburn, Robert Washburn, and George Aruleaf from the list of complainants, and the dismissal of Valiquet, Inc. from the named respondents. All future Board and hearing officer orders shall reflect this same revised caption.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of October 1999 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board