

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 21 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS )  
 ex rel. GARY W. PACK, )  
 McHenry County State's Attorney, )  
 )  
 Complainant, )  
 vs. )  
 MICHAEL STRINGINI, )  
 )  
 Respondent. )

PCB 01-43  
(RCRA Enforcement)

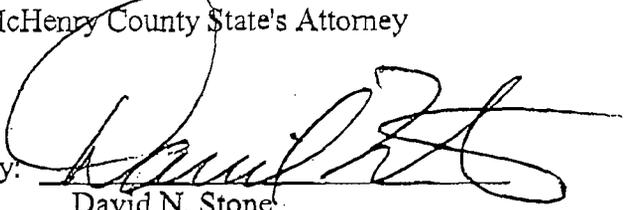
**OBJECTION TO EXTENSION REQUEST**

The Complainant objects to the request to extend to June 29, 2004 and in support of said motion states:

1. The request is unclear as to what is being extended, but it is assumed that Respondent wants the time for his post hearing brief extended.
2. No reasons are given as to why the Respondent did not file a brief in response to Complainant's brief which was filed on April 14, 2004 seven weeks prior to Respondent's June 2, 2004 due date.
3. This case is over three years old and the charges are twenty years old. A very lenient briefing schedule was set by the hearing officer in the first place.
4. While it is true that the Respondent is pro se, he is not disabled in any way and has understood all of the schedules that have heretofore been ordered.
5. The request was made by Respondent only after the hearing officer called David N. Stone on June 21, 2004 and asked for the Respondent's telephone number so he could call and inquire about his failure to file a post hearing brief, stating that since he is pro se, "the board tends to bend over backwards" apparently referring to concerns that the Respondent be given a full measure of due process.
6. Due process is to be applied to all of the litigants, not just the pro se litigants.
7. It would be an abuse of discretion for the hearing officer or the board to grant an extension.
8. This Respondent has been given more than "full due process" in this case.
9. Its time for the People to be given a measure of "due process" by denying this very late request for extension.

Respectfully submitted,

GARY W. PACK  
McHenry County State's Attorney

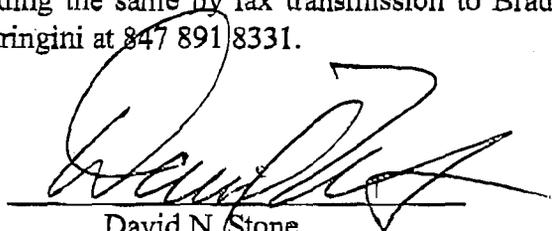
By:   
David N. Stone  
Assistant State's Attorney

DATE: June 21, 2003  
Gary W. Pack, McHenry County State's Attorney  
David N. Stone, Assistant State's Attorney  
McHenry County Government Center  
2200 N. Seminary Ave.  
Woodstock, IL. 60098  
815 334 4159  
Atty No. 02744309

**PROOF OF SERVICE BY FAX**

David N. Stone, an attorney on oath, states as follows:

That on the 21<sup>st</sup> day of June, 2004, at 1:45 o.k. the undersigned served a copy of attached OBJECTION TO EXTENSION REQUEST by sending the same by fax transmission to Bradley Halloran at fax number 312 814 3669 and Michael Stringini at 847 891 8331.

  
David N. Stone

Office of the State's Attorney  
McHENRY COUNTY  
NINETEENTH JUDICIAL CIRCUIT OF ILLINOIS

JUN 21 2004

STATE OF ILLINOIS  
Pollution Control Board

GARY W. PACK  
STATE'S ATTORNEY



McHENRY COUNTY GOVERNMENT CENTER  
2200 NORTH SEMINARY AVENUE  
WOODSTOCK, ILLINOIS 60098  
PHONE: (815) 334-4159  
Fax: (815) 334-4673

6/21/04

Date

FACSIMILE TRANSMITTAL SHEET

TO: Bradley Halloran

FAX #: (312) 814-3669

FROM: McHenry County State's Attorney

BY: Amy for Dave Stone

2200 North Seminary Avenue  
Woodstock, IL 60098  
815-334-4159 (Phone)  
815-334-4673 (Fax)

This transmission consists of 3 pages (including this cover sheet)

Additional Information: \_\_\_\_\_  
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