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DEC 15 2003

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
MICHEL, GRAIN COMPANY, INC., a/k/a )  
MICHEL FERTILIZER, an Illinois )  
corporation, CARYLE MICHEL, and )  
RONNIE TODD, )  
)  
Respondents. )

PCB 96-143  
(Enforcement-Water)

NOTICE OF FILING

To: Doug Antonik  
Antonik Law Offices  
411 Main Street  
Mt. Vernon, IL 62864

F. William Bonan  
Bonan and Bonan and Rowland  
P.O. Box 309  
McLeansboro, IL 62859


PLEASE TAKE NOTICE that on this date, I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR EXTENSION OF TIME AS TO DISCOVERY SCHEDULE, copies of which are 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:   
PHILLIP McQUILLAN  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: December 11, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that I did on December 11, 2003, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box true and correct copies of the following instruments entitled NOTICE OF FILING and MOTION FOR EXTENSION OF TIME AS TO DISCOVERY SCHEDULE

To: Doug Antonik  
Antonik Law Offices  
411 Main Street  
Mt. Vernon, IL 62864

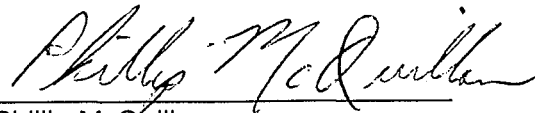
F. William Bonan  
Bonan and Bonan and Rowland  
P.O. Box 309  
McLeansboro, IL 62859

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  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Carol Sudman  
Hearing Officer  
Pollution Control Board  
1021 North Grand Avenue East  
Springfield, Illinois 62702



Phillip McQuillan  
Assistant Attorney General

This filing is submitted on recycled paper.

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ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
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 Complainant, )  
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 vs, )  
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 MICHEL GRAIN COMPANY, INC., a/k/a )  
 MICHEL FERTILIZER, an Illinois )  
 corporation, CARYLE MICHEL, )  
 RONNIE TODD, and RONNIE TODD LAND )  
 TRUST, )  
 Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB 96-143  
(Enforcement-Water)

MOTION FOR EXTENSION OF TIME AS TO  
DISCOVERY SCHEDULE

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of the State of Illinois, moves for an extension of time as to the discovery schedule, and states the following:

1. The Hearing Officer, Carol Sudman, ordered a discovery schedule on October 21, 2003, which sets the following due dates:

Depositions completed	December 18, 2003
Requests to Admit	January 31, 2004
Responses to Request to Admit	March 1, 2004
Dispositive Motions	To be set

2. Complainant's counsel has taken the discovery depositions of the following persons: Marsha Bean, Mike Bean, Bruce Ellis, Chris Michel, and Jeff Moore.

3. Marsha Bean testified that when she worked in the office for Caryle Michel that the sales tickets and related paperwork from the Ina facility and from the Broughton facility would be sent to the main office in Mt. Vernon for bookkeeping purposes and that after entries were made the original documents were placed in boxes and put into storage in the attic of the Mt. Vernon office.

4. Chris Michel testified that as far as he knew all the records were still in the attic at his place of business in Mt. Vernon.

5. The existence of the original sales tickets was a surprise to all attorneys in this matter.

6. Chris Michel testified that he would make these original records available for inspection at his place of business.

7. One of the contested issues in this case is just what products did Caryle Michel's businesses at Ina and Broughton sell during the relevant time period.

8. The original sales tickets are the best evidence of what was sold at each facility.

9. The original sales tickets would have been covered in prior discovery requests and would have been made available for inspection by respondent if Mr. Antonik had been aware of their existence.

10. The examination of the original sales tickets is necessary prior to the scheduling of any more depositions.

11. The discovery schedule should be extended so this newly discovered evidence can be examined and so additional witnesses can be deposed.

12. On December 9, 2003, the undersigned had a conversation with Attorney at Law F. William Bonan, who represents respondents Ronnie Todd and Ronnie Todd Land Trust, wherein the undersigned explained this need for an extension of time as to the discovery schedule; and, Mr. Bonan stated that he was in agreement with an extension of time.

13. On December 9, 2003, the undersigned had a conversation with Attorney at Law Douglas A. Antonik, who represents Caryle Michel et al., wherein the undersigned explained this need for an extension of time as to the discovery schedule; and, Mr. Antonik stated that he was in agreement with an extension of time.

14. According to Marsha Bean's testimony, there may be quite a few boxes of sales tickets to review and the review may be complicated by the fact that the tickets may be filed

according to the name of the customer rather than according to the facility from which the sale was made, and thus, this will likely be time consuming.

15. This motion is not made for the purpose of delay.
16. The granting of this motion will not prejudice the parties hereto.
17. The granting of this motion will serve the ends of justice.

Wherefore, complainant requests a ninety (90) day extension of time on the due date of all activities listed in paragraph one herein.

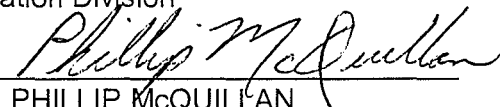
Respectfully submitted,

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:



PHILLIP McQUILLAN  
Assistant Attorney General  
Environmental Bureau

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