

**RECEIVED**  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 30 2003

STATE OF ILLINOIS  
*Pollution Control Board*

PEOPLE OF THE STATE OF ILLINOIS, )  
BY LISA MADIGAN, ATTORNEY GENERAL )  
OF THE STATE OF ILLINOIS, )

COMPLAINANT, )

VS. )

PERFETTI VAN MELLE U.S.A. INC., )  
A DELAWARE CORPORATION, )

RESPONDENT. )

PCB No. 02-186

(ENFORCEMENT - AIR)

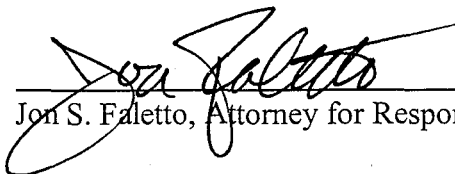
**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Petitioner's Motion for Extension of Time, a copy of which is herewith served upon you.

Respectfully submitted,

PERFETTI VAN MELLE USA, INC.

By:

  
Jon S. Faletto, Attorney for Respondent

Dated: December 29, 2003

Jon S. Faletto  
Attorney for Respondent  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602-1350  
(309) 672-1483

G:\t-v\van melle\caa (2)\p\Notice of Filing 12-29-03.doc  
(16168-3)

**THIS DOCUMENT SUBMITTED ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

DEC 30 2003

PEOPLE OF THE STATE OF ILLINOIS, )  
BY LISA MADIGAN, ATTORNEY GENERAL )  
OF THE STATE OF ILLINOIS, )

STATE OF ILLINOIS  
*Pollution Control Board*

COMPLAINANT, )

PCB No. 02-186

VS. )

(ENFORCEMENT - AIR)

PERFETTI VAN MELLE U.S.A. INC., )  
A DELAWARE CORPORATION, )

RESPONDENT. )

**PETITIONER'S MOTION FOR EXTENSION OF TIME**

Respondent, PERFETTI VAN MELLE U.S.A. INC., by and through its attorneys, pursuant to Section 101.500(d) of the Illinois Pollution Control Board's Procedural Regulations, and presents this *Motion for Extension of Time* to respond to Complainant's Motion to Strike or Dismiss Respondent's Affirmative Defenses. In support of Petitioner's Motion for Extension of Time, Respondent states as follows:

1. On or about December 24, 2003, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, filed its *Complainant's Motion to Strike or Dismiss Respondent's Affirmative Defenses* (hereafter "Complainant's Motion") seeking to strike or dismiss the Affirmative Defenses raised by Respondent in its Answer filed on November 21, 2003.

2. Complainant's Motion was received by Counsel for Respondent on December 29, 2003.

3. Complainant's Motion raises a number of significant legal and factual issues that must be addressed by Respondent. Those issues will entail coordination with representatives for Respondent and legal research to verify the accuracy of the legal arguments and case law cited in Complainant's Motion.

**THIS DOCUMENT SUBMITTED ON RECYCLED PAPER**

4. Section 101.500(d) provides that Respondent may file a response to Petitioner's Motion but must do so within fourteen (14) days after service. Consequently, Respondent's Response to Complainant's Motion would be due on or before January 7, 2004, unless the Board granted the Respondent additional time to respond.

5. Due to the Christmas and New Year's Day holiday season, representatives of the Respondent that must be involved in preparation of any Response to Complainant's Motion are not available. Consequently, the Respondent requests an additional fourteen (14) days within which to file its Response to Complainant's Motion pursuant to the authority of Section 101.500(d). If the Board grants Respondent's Motion for an Extension of Time, Respondent must file its Response on or before January 21, 2004.

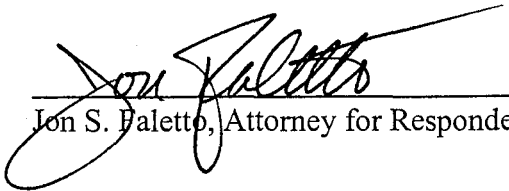
### CONCLUSION

For the reasons set forth above, Respondent respectfully requests a fourteen (14) day extension of time up to and including January 21, 2004, within which to file its Response to the Complainant's Motion to Strike or Dismiss Respondent's Affirmative Defenses.

Respectfully submitted,

VAN MELLE USA INC.

By:

  
Jon S. Faletto, Attorney for Respondent

Jon S. Faletto  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602-1350  
(309) 672-1483  
(309) 672-1568 Fax

jeng:\t-v\van melle\caa (2)\pld\motion\_for\_ext\_of\_time\_12-29-03.doc

**THIS DOCUMENT SUBMITTED ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
BY LISA MADIGAN, ATTORNEY GENERAL )  
OF THE STATE OF ILLINOIS, )  
 )  
COMPLAINANT, )  
 )  
VS. )  
 )  
PERFETTI VAN MELLE U.S.A. INC., )  
A DELAWARE CORPORATION, )  
 )  
RESPONDENT. )

PCB No. 02-186

(ENFORCEMENT - AIR)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 29<sup>th</sup> day of December, 2003, I have served the attached Petitioner's Motion for Extension of Time, by depositing same via overnight delivery to:

**Dorothy M. Gunn, Clerk**  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

and via first-class mail to:

**Joel J. Sternstein**  
Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
188 West Randolph Street, 20<sup>th</sup> Floor  
Chicago, IL 60601

**Honorable Bradley J. Halloran**  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601-3218

Jon S. Faletto  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602  
(309) 672-1483

jen:g:\t-v\van melle\caa (2)\pld\motion\_for\_ext\_of\_time\_12-29-03.doc

  
Jon S. Faletto, Attorney for Respondent

**THIS DOCUMENT SUBMITTED ON RECYCLED PAPER**