

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

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JUN 13 2004

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF VERMILION, ILLINOIS )  
)  
Complainant, ) AC No. 04-56  
) County File No. 04-01  
v. )  
)  
JERRY HATHAWAY, )  
DARRELL CRIPE )  
)  
Respondents. )

MOTION TO RECONSIDER OR, IN THE ALTERNATIVE,  
MOTION TO VACATE DEFAULT

NOW COMES the Respondent, Jerry Hathaway, by and through his attorney, Daniel Brown, and hereby respectfully moves this Honorable Court to reconsider the Order and Opinion entered May 6, 2004, or in the alternative, to vacate the default entered against the Respondent, Jerry Hathaway, and in support thereof, states as follows:

1. That the Respondent, Jerry Hathaway, previously received a Petition that was purportedly filed in the above stated cause. However, at the time he received said Petition, it was neither file marked nor contained a case number upon which to respond.
2. That the Petition filed in said cause alleges that Jerry Hathaway is the owner and that the co-respondent, Darrell Cripe, is a tenant of the owner. Contrary to the allegation in the Petition, the co-respondent, Darrell Cripe, is a contract purchaser.
3. That prior to the receipt of the un-file marked Petition, the Respondent, Jerry Hathaway, was not aware of any allegations to violations by the Pollution Control Board.
4. That the Respondent, Jerry Hathaway, has a viable defense and would have responded to said action had he been provided proper notice of the proceeding, been aware that the action had been filed or been provided a case number upon which to respond to said Petition.

WHEREFORE, the Respondent, Jerry Hathaway, by and through his attorney, Daniel Brown, respectfully moves this Honorable Court to vacate the default entered in the above stated cause, or in the alternative, to reconsider the Order and allow the Respondent, Jerry Hathaway, the opportunity to respond to the Petition filed herein, and further moves for such other and further relief as the Court deems necessary and proper.

Jerry Hathaway, Respondent

By: 

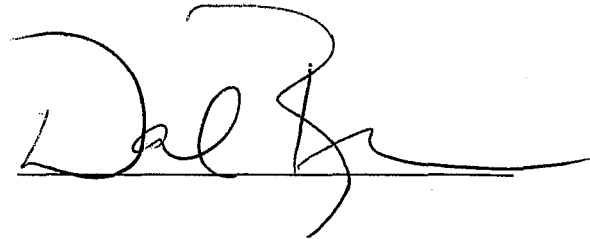
Daniel Brown, Attorney for Respondent

## PROOF OF SERVICE

I, the undersigned, being first duly sworn, depose and state that I mailed a copy of the foregoing document to:

Jennifer Riggs  
Vermilion County States Attorney  
7 N. Vermilion Street  
Danville, IL 61832

by placing a copy of this document in an envelope properly addressed and stamped, and mailed said envelope from a United States Post Office Box located in Danville, Illinois, on the 17<sup>th</sup> day of June, 2004.

A handwritten signature in black ink, appearing to read "D. Brown", written over a horizontal line.

Prepared by:  
Daniel D. Brown  
Attorney at Law  
819 N. Sherman Street  
Danville, Illinois 61832  
Telephone No: 217/446-4464  
Ill. Reg. Disc. #06187039  
Ind. Reg. Disc. #4337-98  
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