

02/Dec/2004 12:42 PDT FROM: The Jeff Diver Group TO: Halloran, Bradley

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

GINA PATTERMANN)

Complainant,)

PCB 99-187

v.)

(Citizen Enforcement,
Noise & Air)BOUGHTON TRUCKING AND MATERIALS,
INC.)

Respondent.)

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on the 2nd day of December, 2004, the undersigned caused to be filed with the Hearing Officer herein the COMPLAINANT'S MOTION TO CANCEL HEARING DATE, a copy of which is herewith served upon you.

THE JEFF DIVER GROUP, L.L.C.



By: _____

Michael S. Blazer
THE JEFF DIVER GROUP, L.L.C.
1749 S. Naperville Road, Suite #102
Wheaton, IL 60187
(630) 681-2530

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GINA PATTERMANN)

Complainant,)

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BOUGHTON TRUCKING AND MATERIALS,)
INC,)

Respondent.)

PCB 99-187

(Citizen Enforcement,
Noise & Air)**RECEIVED**
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STATE OF ILLINOIS
Pollution Control BoardCOMPLAINANT'S MOTION TO CANCEL HEARING

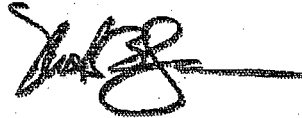
Now comes Complainant, Gina Pattermann ("Pattermann"), by her attorneys, and for her Motion pursuant to 35 IAC 101.510 to Cancel the Hearing herein, states:

1. This matter is currently scheduled to proceed to hearing on December 13, 2004.

As more fully set forth in the Certification of Counsel attached hereto as Exhibit A, recent events in counsel's family have made it impossible to prepare for the scheduled hearing in a timely fashion.

2. The current hearing date is the first one scheduled, and Pattermann has not previously sought nor been granted a continuance of any prior hearing date. Pursuant to the telephonic conference held on this date between all counsel and Hearing Officer Halloran, and subject to the availability of Defense witnesses and the hearing site, Pattermann proposes that the hearing be rescheduled to January 24, 2005.

Respectfully submitted,
Gina Pattermann



By: _____

One of her attorneys

Michael S. Blazer
The Jeff Diver Group, L.L.C.
1749 S. Naperville Road, Suite 102
Wheaton, IL 60187
630-681-2530

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GINA PATTERMANN)

Complainant,)

PCB 99-187

v.)

(Citizen Enforcement,
Noise & Air)

BOUGHTON TRUCKING AND MATERIALS,)
INC.)

Respondent.)

CERTIFICATION

Under penalties as provided by §1-109 of the Illinois Code of Civil Procedure, Michael S. Blazer hereby certifies as follows:

1. I am lead counsel for Gina Pattermann ("Pattermann"), the Complainant herein, and am the attorney responsible for conducting the public hearing in this matter. In addition, my office manager and chief paralegal, who would assist me in this matter, is Patricia Blazer, my wife.

2. Very recently, my wife's grandmother passed away suddenly. This followed, by only a short period, a debilitating stroke suffered by my father-in-law. These events, and subsequent related family issues, have made it impossible to adequately prepare for the upcoming hearing in this matter.

3. But for these events, my firm and I would have been prepared to proceed forward with the hearing as scheduled. This matter was otherwise ready for hearing, other than the need for filing of pre-hearing memoranda. This in turn followed approximately ten months that were taken up with briefing and rulings on Defendant's Motion for Summary Judgment and subsequent Motion for Reconsideration.

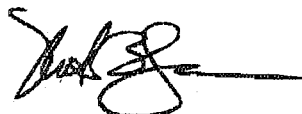
4. The current hearing date is the first one scheduled and neither this firm

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nor Pattermann have previously sought a continuance of any previously-scheduled hearing date.

Further affiant sayeth not.



Michael S. Blazer

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STATE OF ILLINOIS
Pollution Control Board**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused the above and foregoing Notice of Filing and COMPLAINANT'S MOTION TO CANCEL HEARING, to be served via facsimile transmission upon the following:

Bradley P. Halloran
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
Fax No. (312) 814-3669

Patricia F. Sharkey
Kevin G. Deshamais
Mayer, Brown, Rowe & Maw
190 S. LaSalle Street
Chicago, IL 60603
Fax No. (312) 706-9113

on this 2nd day of December, 2004.



Michael S. Blazer

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STATE OF ILLINOIS
Pollution Control Board*The Jeff Diver Group, L.L.C.*Jeffrey R. Diver†
Jeffery D. Jeep*
Michael S. Blazer**
Thomas S. Yu
Tracey A. Dillon1749 S. Naperville Rd., Suite 102
Wheaton, IL 60187
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450 N. Green Bay Road
Waukegan, IL 60085Web Site: www.enviroatty.com

† Of Counsel

* Also admitted in Massachusetts

** Also admitted in New York

Michael S. Blazer
E-Mail: mblazer@enviroatty.com**TELECOPY COVER SHEET**

DATE: 12/2/2004

OUR FILE #: 00484.1

TIME: 2:41:00 PM

FAX NO. +1 (312) 814-3669

SUBJECT: Motion to Cancel Hearing

PLEASE DELIVER THE FOLLOWING MESSAGE TO:

NAME: Bradley Halloran

COMPANY: Illinois Pollution Control Board

MESSAGE:

FROM: Michael S. Blazer

NUMBER OF PAGES: 6 (including cover sheet)

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