

ILLINOIS POLLUTION CONTROL BOARD
March 17, 1994

ANNE SHEPARD, JAMES VERHEIN,)
JEROLD LECKMAN,)
)
Complainants,)
) PCB 94-2
v.) (Enforcement)
)
NORTHBROOK SPORTS CLUB AND)
VILLAGE OF HAINESVILLE,)
)
Respondents.)

ORDER OF THE BOARD (by G. T. Girard):

The Board has before it several filings regarding discovery issues in this case. The Board notes that generally such issues would be left to a hearing officer; however in this case complainants assert that certain of their requests for information are related to complainants' ability to respond to the motion to dismiss which is now pending before the Board. The Board will therefore rule on these discovery issues.

Complainants have filed a request for admission of genuineness of document, request for document and request for admission of fact dated January 31, 1994. Complainants filed a supplement to the January 31, 1994 request dated February 11. Complainants also filed an amendment to the January 31, 1994 request dated February 28, 1994 and a motion to dismiss Northbrook Sports Club's response to the January 31 requests.

Northbrook Sports Club has filed a response to the January 31 requests dated February 24, 1994 and a response to the motion to amend the January 31 requests of complainants dated March 2, 1994. Northbrook Sports Club has objected to the requests for admission of facts.

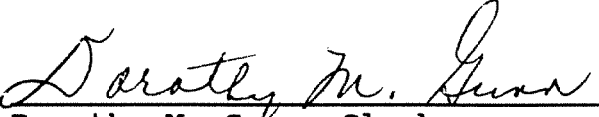
The Board notes that on March 9, 1994, the Board received a filing entitled motion to order discovery under the Act filed by complainants. This March 9 filing in effect replies to the filings of Northbrook. Therefore, the Board finds that this is a reply to a response and strikes the March 9, 1994 filing. (35 Ill. Adm. Code 101.241(c).) The Board notes that on March 15 and 16 the Board received responses to complainants' motion; however those responses are moot as the Board struck that motion.

As stated above the complainants maintain that the responses to the admissions of fact are necessary for its response to the motion to dismiss filed by respondents. After reviewing the filings, the Board finds that the discovery requests filed by complainants are not relevant to the issues pending before the Board at this time. Therefore, the Board sustains respondents'

objections.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 17th day of March, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board