

ILLINOIS POLLUTION CONTROL BOARD  
October 20, 1994

DOALL COMPANY, DOALL CREDIT )  
CORPORATION, and THE )  
RAMS-HEAD COMPANY, )  
 )  
Complainants, )  
 )  
v. ) PCB 94-256  
 ) (Enforcement)  
MOBIL OIL COMPANY, INC., )  
SKOKIE VALLEY ASPHALT )  
COMPANY, INC., and )  
SEPTRAN, INC., )  
 )  
Respondents. )

ORDER OF THE BOARD (M. McFawn):

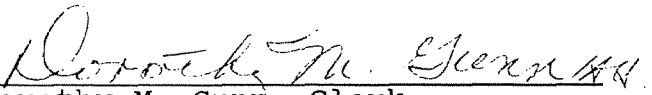
On September 16, 1994 complainants DoAll Company, DoAll Credit Corporation and the Rams-Head Company filed an enforcement action against respondents Mobil Oil Company, Skokie Valley Asphalt Company, Inc. and Septran, Inc. seeking to recover cleanup costs incurred in cleaning up contamination at a site located at 1228 Harding Avenue, Des Plaines, Illinois, and the imposition of penalties. On October 11, 1994 respondent Mobil Oil Company filed a motion to dismiss the complaint, which was accompanied by a motion for leave to file the motion to dismiss instanter. On October 19, 1994, complainants filed proof of service of the notice and complaint upon Skokie Valley Asphalt.

In its motion for leave to file instanter, Mobil alleges that it did not receive proper service of the complaint. Complainants' filing of proof of service on Skokie Valley Asphalt is not responsive to the issues raised by Mobil; complainants have not filed a proof of service as to Mobil.

We find that it is reasonable to grant respondent Mobil a one-week extension to file its motion to dismiss where respondent did not receive proper service of the complaint. The motion to file instanter is hereby granted and the filing of the motion to dismiss is accepted. Although the time for filing a response has not yet expired, complainants are hereby granted an extension until October 27, 1994 to file a response to the motion to dismiss.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20<sup>th</sup> day of October 1994, by a vote of 5-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board