

ILLINOIS POLLUTION CONTROL BOARD
May 27, 1993

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 92-164
) (Enforcement)
 BERNIECE KERSHAW and DARWIN)
 DALE KERSHAW d/b/a KERSHAW)
 MOBILE HOME PARK,)
)
 Respondents.)

ORDER OF THE BOARD (by C. A. Manning):

On May 24, 1993, complainant filed a motion asking the Board for an order disqualifying attorney Richard M. Kuntz from representing respondents. Complainant also requested an unspecified extension of time within which to respond to respondent's motion for reconsideration.

On May 25, 1993, respondents filed a motion for extension of time through June 8, 1993 in which to respond to complainant's motion to disqualify.

The Board notes that the 7 day response period on these motions has not run, and that neither party has responded to the other's motion. The Board does not ordinarily act on motions before expiration of the response period. 35 Ill. Adm. Code 101.241(b). The Board has, however, placed the parties' motions for extension of time on the agenda for today's special meeting in order to avoid "undue delay and material prejudice" to appropriate resolution of this action, and to avoid uncertainty on the part of the litigants as to whether the Board will accept technically "late" filings.

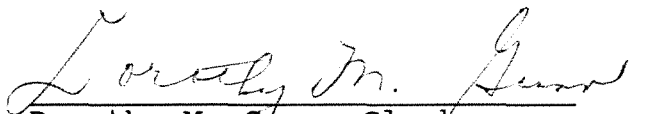
The motion to disqualify raises issues which have not been litigated before the Board, and the Board wishes the matter to be fully and carefully briefed. Respondents motion for extension is hereby granted. The response to the motion to disqualify is due on or before June 8, 1993.

The Board also grants complainant's motion for extension of time to respond. Complainant's response will be due 14 days after the Board issues an order on the motion to disqualify.

IT IS SO ORDERED.

0142-0807

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 27th day of May, 1993, by a vote of 4-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board