

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1980

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
)
v.) PCB 79-5
)
)
CROSSROADS U.S.A., INC.,)
an Iowa corporation, BROWNE BARR,)
CHARLES JORDAN, DALLAS CRANDALL and)
LARRY W. MCCASLAND,)
)
Respondents.)

ORDER OF THE BOARD (by Mr. Goodman):

Respondent's Motion for Partial Reconsideration of its Order adopted December 13, 1979, is hereby denied.

Respondent alleges that the Board was "unrealistic" in its discovery schedule ordered pursuant to a previous motion by Respondent. These "unrealisms" include the fact that the date for setting deposition dates had passed before the Respondent received the Order but was also 25 days after it was advised of possible witnesses. The Board feels that 25 days is sufficient time for Respondent to decide who, if anyone, it wishes to depose.

The rest of the alleged "unrealisms" go to the fact that the Board's discovery schedule was not the week-to-week, very complex system devised and requested by Respondent, but was instead a simple series of dates by which the discovery process was to occur. Respondent was made aware of these potential witnesses on November 16, 1979. The Board's schedule allowed until January 18, 1980 for discovery. This amounts to 63 days, or nine weeks, for discovery in addition to that completed on August 16, 1979. The case was filed January 10, 1979. In addition, the Board ordered the hearing set four weeks after the close of discovery in order to allow for slippage in the schedule, if it occurred. Indeed, the Board allowed more time than Respondent asked for, although not in exactly the sequence requested.

The Board has maintained a clear record of allowing sufficient time for discovery in the cases before it. However, a party has the right to expect the hearing process to go on as expeditiously as possible, even if the party is the State of Illinois. No one may grant himself a stay of discovery by filing a motion which merely objects to a Board Order. Reasonable people would continue the process to the best of their abilities while the motion as to time to be allowed was processed. Nine weeks is more than sufficient time for the discovery involved here.

IT IS SO ORDERED.

Mr. Werner Dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 10th day of January, 1980 by a vote of 3-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board