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JUL 14 2005

0208-001

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

DORIS GLAVE,
Complainant,
v.
BRENT HARRIS, PATTY HARRIS,
and WINDS CHANT KENNEL, INC.,)
Respondents.

PCB 02-11
(Citizens Enforcement -- Noise)

VILLAGE OF GRAYSLAKE,
Complainant,
v.
WINDS CHANT KENNEL, INC.,)
Respondent.

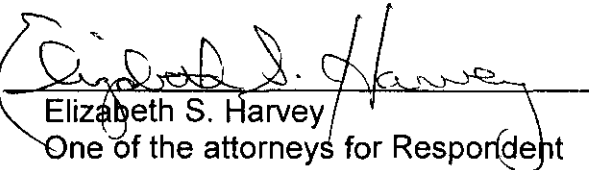
PCB 02-32
(Citizens Enforcement -- Noise)
(Consolidated)

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 14th day of July 2005, there was filed with the Illinois Pollution Control Board or Hearing Officer, the parties' **Joint Motion to Stay**, which is attached and herewith served upon you.

WINDS CHANT KENNEL, INC., et al.

By: 
Elizabeth S. Harvey
One of the attorneys for Respondent

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CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the Joint Motion to Stay to counsel of record in the above-captioned matter via U.S. Mail at One IBM Plaza, Chicago, IL 60611 on or before 5:00 p.m. on July 14, 2005.



Jeanette M. Podlin

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

SERVICE LIST

PCB 02-11/PCB 02-32 (Consolidated)

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JUL 14 2005

ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

DORIS GLAVE and GLENN GLAVE,)	
)	
Complainants,)	
)	
v.)	PCB 02-11
)	(Citizens Enforcement -- Noise)
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<hr/>		
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)	(Citizens Enforcement -- Noise)
WINDS CHANT KENNEL, INC.,)	(Consolidated)
)	
Respondent.)	

JOINT MOTION TO STAY

The parties to this matter, BRENT HARRIS, PATTY HARRIS, and WINDSCHANT KENNEL, INC. (collectively, "respondents"), DORIS GLAVE and GLENN GLAVE (collectively, "the Glaves"), and THE VILLAGE OF GRAYSLAKE ("the Village"), jointly move the Board for a stay of these consolidated matters. This motion is brought pursuant to Section 101.514 of the Board's procedural rules. (35 Ill.Adm.Code 101.514.)

1. The parties have reached a settlement of this matter. In brief, respondents have agreed to build an enclosed kennel at a different location on respondents'

property, and have agreed to cease using the existing kennel to house dogs or other “noise-making animals”. A copy of the executed settlement agreement is attached as Exhibit A.

2. In exchange for respondents' agreement to build the new kennel, cease using the existing kennel, and record a covenant, the Graves and the Village have agreed to dismiss their complaints, with prejudice. However, the agreement does not require the Graves and the Village to dismiss their complaints until 21 days after the “Cessation Date,” provided the terms of the settlement agreement are satisfied. The “Cessation Date” is defined as 15 days after the Village issues a certificate of occupancy for the new kennel, or May 2, 2006, whichever is sooner.
3. The parties have agreed to seek a stay of these proceedings, to allow the respondents to build the kennel and transfer the dogs from the existing kennel. (See Exhibit A, paragraph 7.) Seeking a stay of the case, rather than dismissing it now, protects the Graves and the Village in the unlikely event that the dogs are not moved from the existing kennel by the Cessation Date. In that event, the Graves and the Village can chose to terminate the settlement agreement and pursue this action before the Board.
4. Therefore, the parties jointly seek a stay of these cases until May 3, 2006. (In the event that the Cessation Date turns out to be sooner than May 2, 2006, the Graves and the Village are under an obligation to dismiss these cases within 21

days, provided the terms of the settlement agreement are satisfied. Therefore, the cases would be dismissed prior to the expiration of the stay.)

5. These cases are enforcement cases, and thus have no decision deadline.

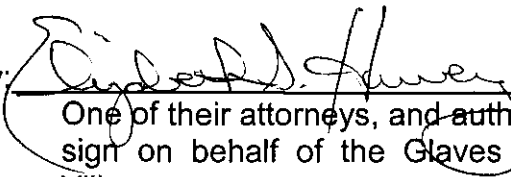
6. Allowing a stay of these cases to May 3, 2006, would protect the parties, allow time for the implementation of the agreement, and conserve the parties' resources.

WHEREFORE, the parties jointly move the Board for a stay of these proceedings until May 3, 2006, or for such other relief as the Board deems appropriate.

Respectfully submitted,

BRENT HARRIS, PATTY HARRIS, and WINDS
CHANT KENNELS

By:


One of their attorneys, and authorized to
sign on behalf of the Graves and the
Village

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