## **BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	RECEIVED CLERK'S OFFICE
Complainant, v.	) ) ) ) PCB NO. 97-179	NOV 1 7 2005 STATE OF ILLINOIS Pollution Control Board
MIDWEST GRAIN PRODUCTS OF ILLINOIS, INC., an Illinois corporation,	) (Enforcement) ) )	
Respondent.	) )	

### **NOTICE OF FILING**

To: Patrick M. Flachs
John Collins
Husch & Eppenberger LLC
190 Carondelet Plaza, Ste. 600
St. Louis, MO 63105

PLEASE TAKE NOTICE that on this date I sent by facsimile pursuant to the Hearing Officer and also mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, REQUEST FOR EXTENSION OF TIME IN WHICH TO RESPOND TO RESPONDENT'S MOTION TO STRIKE, AND MOTION FOR STAY OF DISCOVERY SCHEDULE, copies of which are attached hereto and herewith served upon you.

Respectfully submitted.

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN, Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief Environmental Enforcement/Asbestos Litigation Division

JANE E. McBRIDE

Assistant Attorney General Environmental Bureau

500 South Second Street Springfield, Illinois 62706 217/782-9031 Dated: November 14, 2005

### CERTIFICATE OF SERVICE

I hereby certify that I did on November 14, 2005, send through facsimile pursuant to the Hearing Office and also send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and REQUEST FOR EXTENSION OF TIME IN WHICH TO RESPOND TO RESPONDENT'S MOTION TO STRIKE, AND MOTION FOR STAY OF DISCOVERY SCHEDULE

To: Patrick M. Flachs
John Collins
Husch & Eppenberger LLC
190 Carondelet Plaza, Ste. 600
St. Louis, MO 63105
Fax (314) 480-1505

and the original and five copies by facsimile and also by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601
Fax (312) 814-3669

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East Springfield, IL 62794 Fax (217) 524-8508

JANE E. McBRIDE
Assistant Attorney Gene

Assistant Attorney General

This filing is submitted on recycled paper.

# PEOPLE OF THE STATE OF ILLINOIS, Complainant, PCB 97-179 (Enforcement) NIDWEST GRAIN PRODUCTS OF ILLINOIS, INC. RECEIVED CLERK'S OFFICE STATE OF ILLINOIS POILUTION CONTROL BOARD RECEIVED CLERK'S OFFICE CLERK'S OFFI

# REQUEST FOR EXTENSION OF TIME IN WHICH TO RESPOND TO RESPONDENT'S MOTION TO STRIKE, AND MOTION FOR STAY OF DISCOVERY SCHEDULE

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and respectfully requests a two week extension of time in which to respond to Respondent's Motion to Strike and moves for a stay of the discovery schedule, on the following grounds:

- On October 17, 2005, a settlement meeting was held in this matter. At the time
  of the settlement meeting, Complainant counter-proposed and extended a new demand for
  settlement.
- Complainant was under the impression the parties were concentrating and focusing upon settlement and was surprised by the filing of Respondent's motion on November 1, 2005.
- On November 1, 2005, Complainant received a faxed copy of Respondent's
   Motion to Strike Complainant's Interrogatories.
- 4. On November 3, 2005, Complainant received Respondent's response to Complainant's recent settlement demand.
- 5. On November 14, 2005, Complainant received an email inquiry from Respondent requesting a reply to it settlement response. Respondent indicated in its email that its request for a response was motivated by the approaching pending discovery deadline.
  - 6. Complainant requires additional time to both reply to Respondent's settlement

response, as well as respond to the motion to strike. Counsel for Complainant has been obligated by other litigation matters and unable to complete Complainant's response to the motion to strike. Further, Complainant needs to complete additional internal discussion regarding the settlement proposals.

- 7. Complainant, late on November 10, 2005, received Respondent's second amended interrogatories.
- 8. Complainant has been diligently working on its response and reply, but the requirement to thoroughly exhaust internal discussions regarding both the particulars of the motion to strike and the pending settlement proposal, which entails consultation with multiple layers of assigned personnel and management, in combination with the large volume of work involved with responding to Respondent's interrogatories now that they are available as well as the press of counsel's other litigation obligations, has resulted in a need for additional time.

WHEREFORE, Complainant respectfully requests an extension of time in which to respond to Respondent's motion to strike and a stay of the pending discovery schedule for a period of two weeks. Should the Hearing Officer grant Complainant's request, Complainant's

response shall be due November 29, 2005, and the new written discovery deadline will be December 28, 2005.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN, Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief Environmental Enforcement/Asbestos Litigation Division

BY:

JANE E. MCBRIDE

**Assistant Attorney General** 

500 South Second Street Springfield, Illinois 62706 (217) 782-9031

Dated: November 14, 2005