

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF WILLIAMSON COUNTY ex rel  
STATE'S ATTORNEY CHARLES GARNATI,  
And THE WILLIAMSON COUNTY BOARD,

Petitioners,

v.

KIBLER DEVELOPMENT CORPORATION,  
MARION RIDGE LANDFILL, INC., and  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondents.

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JUL 07 2008

STATE OF ILLINOIS  
Pollution Control Board

Case No. PCB 2008-93  
Permit Appeal-Land

NOTICE OF FILING AND PROOF OF SERVICE

The undersigned certifies that an original and nine copies of the foregoing Motion for Extension of Time For Discovery Response and the Notice of Filing and Proof of Service, were served upon the Clerk of the Illinois Pollution Control Board, and one copy to each of the following parties of record and hearing officer in this cause by enclosing same in an envelope addressed to:

John Therriault, Acting Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

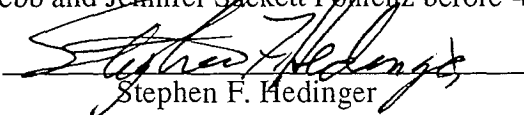
Michael J. Ruffley  
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200 Jefferson  
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Marion, IL 62959

Melanie Jarvis  
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Illinois Environmental Protection Agency  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

Carol Webb, Hearing Officer  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Jennifer Sackett Pohlenz  
Querrey & Harrow  
75 West Jackson Boulevard  
Suite 1600  
Chicago, IL 60604-2827

with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on the 3rd day of July, 2008. Fax and email copies also served upon Melanie Jarvis, Carol Webb and Jennifer Sackett Pohlenz before 4:30 p.m. on the same date.

  
Stephen F. Hedinger

Hedinger Law Office  
2601 South Fifth Street  
Springfield, IL 62703  
Telephone: (217) 523-2753

*This document prepared on recycled paper*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**MOTION FOR EXTENSION OF TIME FOR DISCOVERY RESPONSE**

NOW COME Respondents, KIBLER DEVELOPMENT CORPORATION and MARION RIDGE LANDFILL, INC., through their undersigned attorney, and move this Board, through its hearing officer, for an extension of time to and until July 11, 2008, within which to respond to Petitioners' discovery requests. In support of this motion, these Respondents state as follows:

1. At the initial scheduling and status conference in this matter held on June 23, 2008, counsel for Petitioners (who had not yet even entered an appearance on behalf of Petitioners) asserted for the first time the desire to perform expedited discovery, and expressed a request for an order that all discovery requests be submitted on or before June 25, and that all discovery responses be served no later than July 9, 2008.

2. Petitioners' requests came as a surprise to Respondents, but in the course of the conversation on June 23, Respondents determined that they would not raise any objection to Petitioners' proposal, in part because Respondents intended to file a motion with this Board to strike and dismiss this proceeding, which if granted should render Petitioners' proposed discovery moot.

3. However, during the press of business at the status conference, counsel for Respondents overlooked the fact that Petitioners' proposed deadline for discovery responses was before the anticipated ruling by this Board upon the pending motions to dismiss.

4. In light of the above circumstances, these Respondents request at this time that this Board, through its hearing officer, extend the time within which the parties are to respond to pending discovery requests to and until July 11, 2008.

5. The proposed extension will allow the parties to learn of the Board's ruling prior to exchanging the discovery responses, which in some instances may include sensitive, confidential or proprietary information. In the event the matter is dismissed, the parties will not be at risk of such information being wrongfully publicized. Moreover, the slight delay will potentially avoid unnecessary costs of compiling and finalizing the discovery responses, in the event the Board dismisses this matter.

6. Finally, the slight extension requested herein poses no threat of prejudice to anyone. Much of the discovery requests, particularly those submitted by Petitioners, were beyond information and materials that were before the Illinois Environmental Protection Agency at the time of the permit decision at issue in this case, and/or do not relate to that permit decision at all, and so are not relevant to this proceeding in the first place. Moreover, the one or two day delay will not in any meaningful way interfere with or deprive any party of the opportunity to review the material in advance of or prepare for, the scheduled hearing.

7. As of the date and time of the filing of this motion, no one has contacted counsel for these Respondents concerning any attempt to schedule any depositions in this case.

WHEREFORE Respondents KIBLER DEVELOPMENT CORP. and MARION RIDGE LANDFILL, INC., request that this Board, through its hearing officer, extend the current due date for discovery responses to and until July 11, 2008, as an extension of the current due date of July 9, 2008.

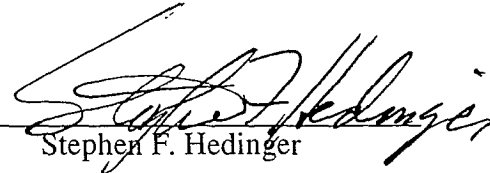
Respectfully submitted,

Kibler Development Corporation & Marion Ridge  
Landfill, Inc., Respondents,

By their attorney,

HEDINGER LAW OFFICE

By

A handwritten signature in black ink, appearing to read "Stephen F. Hedinger", is written over a horizontal line. The signature is stylized and cursive.

Stephen F. Hedinger

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