

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

FOX MORaine, LLC	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 07-146
	)	(Pollution Control Facility Siting
	)	Appeal)
UNITED CITY OF YORKVILLE, CITY	)	
COUNCIL	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on November 20, 2008, Leo P. Dombrowski, one of the attorneys for Respondent, United City of Yorkville, filed via electronic filing the attached **United City of Yorkville's Response to Petitioner's Motion to Cancel the December 2008 Hearing**, with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

UNITED CITY OF YORKVILLE

By:     /s/ Leo P. Dombrowski      
One of their Attorneys

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**CERTIFICATE OF SERVICE**

I, Susan Hardt, a non-attorney, certify that I caused a copy of the foregoing **Notice of Filing and United City of Yorkville's Response to Petitioner's Motion to Cancel the December 2008 Hearing**, to be served upon the Hearing Officer and all Counsel of Record listed on the attached Service list by sending it via Electronic Mail on November 20, 2008.

/s/ Susan Hardt \_\_\_\_\_

[x] Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP. 110 – SEC 1-109, I certify that the statements set forth herein are true and correct.

**SERVICE LIST**

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**YORKVILLE'S RESPONSE TO PETITIONER'S MOTION TO CANCEL  
THE DECEMBER 2008 HEARING**

Respondent, the United City of Yorkville ("Yorkville"), responds to Petitioner's Motion to Cancel the December 2008 Hearing as follows:

1. Petitioner's counsel has represented that it is necessary to cancel the December 2008 hearing because its material principal, Mr. Donald Hamman, is gravely ill and will require open heart surgery in late November, 2008.
2. On November 20, 2008, Petitioner's counsel served Yorkville with a physician's letter in support of his representations regarding his client's health.
3. Based on the physician's letter stating that Mr. Hamman will be unable to participate in a December 2008 hearing, Yorkville has no objection to canceling the currently-scheduled hearing.
4. Yorkville joins in Petitioner's request for a status hearing in January 2009.
5. This appeal has now been pending for almost 18 months. Yorkville would like to achieve a resolution of this process as soon as reasonably practicable. Therefore, assuming that Mr. Hamman's health improves by early 2009, Yorkville requests that the Hearing Officer set an

aggressive schedule for discovery completion and a hearing so that this matter may be resolved as expeditiously as reasonably possible.

Respectfully submitted,

UNITED CITY OF YORKVILLE, CITY  
COUNCIL

By:     /s/ Anthony G. Hopp      
One of Its Attorneys

Dated: November 20, 2008

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