

ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, *ex*  
*rel.* LISA MADIGAN, Attorney General of the  
State of Illinois,

Plaintiff,

v.

COMMUNITY LANDFILL CO., an Illinois  
Corporation, and the CITY OF MORRIS, an  
Illinois Municipal Corporation,

Defendants.

PCB 03-191  
(Enforcement – Land)

**NOTICE OF FILING**

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on June 11, 2009, we electronically filed with the Clerk of the Illinois Pollution Control Board, City's Motion to Strike Complainant's "Request for a Final Order", a copy of which is attached hereto and hereby served upon you.

Dated: June 11, 2009

Respectfully submitted,

On behalf of the CITY OF MORRIS

/s/

Charles F. Helsten  
One of Its Attorneys

Charles F. Helsten  
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Morris, IL 60450  
(815) 941-4675

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

COMMUNITY LANDFILL COMPANY, INC.,  
an Illinois Corporation, and the CITY OF  
MORRIS, an Illinois municipal corporation,

Respondents.

PCB No. 03-191

**MOTION TO STRIKE COMPLAINANT'S "REQUEST FOR A FINAL ORDER"**

NOW COMES the Respondent, CITY OF MORRIS, by and through its attorneys, HINSHAW & CULBERTSON LLP, and moves to strike Complainant's "Request for a Final Order" as made without legal authority, and in support thereof states as follows:

1) On June 3, 2009, Complainant filed a "Request for a Final Order" seeking to expedite this Board's final decision in the above-referenced case.

2) This Board's procedural rules state that it "may entertain any motion the parties wish to file that is permissible under the [Environmental Protection] Act or other applicable law, these rules, or the Illinois Code of Civil Procedure." 35 Ill. Adm. Code § 101.500(a). (Emphasis added).

3) There is no provision in the Act, Board rules, Illinois Code of Civil Procedure, or other applicable law for a "Request for Final Order." Tellingly, Complainant did not label its pleading a "motion."

4) It is for this Board to decide when it will rule on particular matters, not the parties before the Board.

5) Complainant cites no authority for its "Request," and, as such, Respondent CITY OF MORRIS moves that the "Request" be stricken as having no legal basis.

6) Should this Board determine it does have the authority to entertain Complainant's "Request for Final Order," Respondent CITY OF MORRIS requests time to respond, inasmuch as Complainant's "Request" and exhibits attached thereto contain misrepresentations, inaccuracies, and are pretextual in nature.

WHEREFORE, Respondent CITY OF MORRIS respectfully requests that this Board strike Complainant's "Request for Final Order."

Dated: June 11, 2009

HINSHAW & CULBERTSON LLP

On behalf of Respondent CITY OF MORRIS

/s/ Charles F. Helsten  
One of Its Attorneys

Charles F. Helsten  
Michael F. Iasparro  
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**AFFIDAVIT OF SERVICE**

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on June 11, 2009, she served a copy of the foregoing upon:

Via E-mail and Regular U.S. Mail  
Mr. Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
100 W. Randolph St., 11<sup>th</sup> Fl.  
Chicago, IL 60601

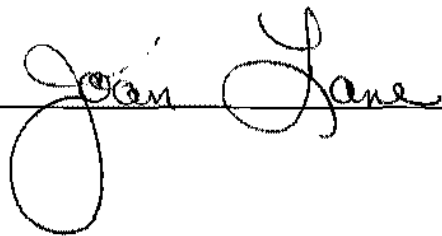
Via E-Mail  
Scott Belt  
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Via E-Mail  
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Pollution Control Board  
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Via E-Mail.



A handwritten signature, "Joan Kane", is written in cursive over a horizontal line.

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