

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

INDIAN CREEK DEVELOPMENT COMPANY,)
an Illinois Partnership, Individually as)
beneficiary under trust 3291 of the Chicago)
Title and Trust Company dated December 15,)
1981 and the Chicago Title and Trust Company,)
as trustee under trust 3291, dated December)
15, 1981)

Complainant,)

vs.)

The BURLINGTON NORTHERN SANTA FE)
RAILWAY COMPANY, a Delaware Corporation)

Respondents.)

PCB- 07-44
Citizen's Enforcement
§21(e), §12(a), §12(d)

NOTICE OF FILING AND PROOF OF SERVICE

TO: Robert M. Barratta Jr.
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PLEASE TAKE NOTICE that on November 17, 2009, the attached document, Motion for Leave to withdraw as Counsel, was filed with the Clerk of the Pollution Control Board and is hereby served upon the person(s) referenced above by email on or before 4:00 p.m. on the 17th day of November, 2009 at the email addresses above.

/s/ *Glenn C. Sechen*

GLENN C. SECHEN

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

INDIAN CREEK DEVELOPMENT COMPANY,)	
an Illinois partnership, individually as beneficiary)	
under trust 3291 of the Chicago Title and Trust)	
Company dated December 15, 1981 and the Chicago)	
Title and Trust Company as trustee under trust 3291,)	
dated December 15, 1981,)	PCB- 07-44
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Complainant,)	§21(e), §12(a), §12(d)
)	
vs.)	
)	
THE BURLINGTON NORTHERN AND SANTA FE)	
RAILWAY COMPANY, a Delaware Corporation,)	
)	
Respondent.)	

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

The Movant, Glenn C. Sechen ("Counsel") hereby files his Motion for Leave Withdraw As Counsel on behalf of Complainant, Indian Creek Development Company, and the Chicago Title and Trust Company as trustee under trust 3291, dated December 15, 1981, (collectively "Indian Creek"). In support thereof, Counsel states as follows:

1. Counsel filed this matter before the Board while a member of another law firm and thereafter represented Indian Creek, including as of-counsel to said law firm. Counsel has since resigned his of-counsel relationship necessitating that, ultimately, Indian Creek and Counsel enter into a written agreement regarding further representation.
2. Indian Creek has rejected the written terms of further representation advanced by Glenn C. Sechen and has indicated that Mr. Sechen must either accept its terms or withdraw as one of its attorneys.

3. Indian Creek's terms render further representation by Mr. Sechen unreasonably difficult or impossible to carry out his representation effectively.

Accordingly, Glenn C. Sechen moves to withdraw as counsel for Indian Creek.

4. Indian Creek is also represented by Stuart Petersen in this matter and, therefore, no substantial delay will result.

5. Counsel has commuted with both Mr. Petersen and Indian Creek corporate officials regarding this motion.

WHEREFORE, for the foregoing reasons, moving Counsel hereby respectfully requests that the Board grant him leave to withdraw his Appearance in this matter.

Respectfully submitted,

Glenn C. Sechen

/s/ Glenn C. Sechen
GLENN C. SECHEN

Glenn C. Sechen
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