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JUN 01 2010

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)
)
 Complainant,)
)
 v.)
)
 PROFESSIONAL SWINE MANAGEMENT,)
 LLC, an Illinois limited liability corporation,)
 HILLTOP VIEW, LLC, an Illinois limited)
 liability corporation, WILDCAT FARMS, LLC,)
 an Illinois limited liability corporation,)
 HIGH-POWER PORK, LLC, an Illinois limited)
 liability corporation, EAGLE POINT, LLC, an)
 Illinois limited liability corporation, LONE)
 HOLLOW, LLC, an Illinois limited liability)
 corporation, TIMBERLINE, LLC, an Illinois)
 limited liability corporation, PRAIRIE STATE)
 GILTS, LTD, an Illinois corporation, NORTH)
 FORK PORK, LLC, an Illinois limited liability)
 corporation, LITTLE TIMBER, LLC, an Illinois)
 limited liability corporation, TWIN VALLEY)
 PUMPING, INC., an Illinois corporation,)
)
 Respondents.)

PCB No. 2010-084

**MOTION OF RESPONDENT NORTH FORK PORK FOR MORE TIME TO
ATTACK SUFFICIENCY OF PLEADING PURSUANT TO SECTION 101.506**

Now Comes Claire A. Manning, Brown Hay & Stephens, LLP, on behalf of Respondent NORTH FORK PORK and hereby requests the Illinois Pollution Control Board "Board" or assigned hearing officer, as appropriate, to allow it more time to file a pleading attacking the sufficiency of the Complaint, as allowed pursuant to Board Rule 101.506, which states:

Section 101.506 Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading

All motions to strike, dismiss, or challenge the sufficiency of any pleading filed with the Board must be filed within 30 days after the service of the challenged document, unless the Board determines that material prejudice would result.

In support of such motion, Respondent NORTH FORK PORK states as follows:

1. The Complaint is unusual in that it names various Respondents, all in various locations within the state, alleging various different and discrete violations.
2. The sole commonality between all Respondents is that the alleged violations occurred while Respondent, Professional Swine Management, operated the individual Respondent facilities at the time of the alleged violations.
3. North Fork Pork has determined that its circumstances are distinct enough to require separate counsel.
4. North Fork Pork, and its counsel, accordingly, have not had the full benefit of the 30 day period contemplated by Board Rule 101.506.
5. A status hearing conference is scheduled with the Board hearing officer on June 7, 2010.
6. As material prejudice will result if North Fork Pork is required to file a Motion pursuant to Board Rule 101.506 prior to this conference, it respectfully requests that the Board or hearing officer allow it until June 15, 2010, or such other date as the Board or hearing officer deems appropriate to file a Motion pursuant to Board Rule 101.506.

NORTH FORK PORK, Respondent,

By: 

One of Its Attorneys

BROWN, HAY & STEPHENS, LLP

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PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that service of the foregoing **Motion Of Respondent North Fork Pork For More Time To Attack Sufficiency Of Pleading Pursuant To Section 101.506** was made by mailing a true and correct copy thereof in a sealed envelope, postage fully prepaid and addressed to:

Jane E. McBride
Assistant Attorney General
Environmental Bureau
500 South Second
Springfield, IL 62706

Edward W. Dwyer
Hodge Dwyer & Driver
3150 Roland Avenue
Springfield, IL 62705

Jennifer M. Martin
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3150 Roland Avenue
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by placing same in the United States Mail on this 28th day of May, 2010.


