

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)	
)	
Petitioner,)	
)	
v.)	PCB No. 2010-084
)	
PROFESSIONAL SWINE MANAGEMENT,)	
LLC; HILLTOP VIEW, LLC; WILDCAT)	
FARMS, LLC; HIGH-POWER PORK, LLC;)	
EAGLE POINT, LLC; LONE HOLLOW, LLC;)	
TIMBERLINE, LLC; PRAIRIE STATE GILTS,)	
LTD; NORTH FORK PORK, LLC; LITTLE)	
TIMBER, LLC,)	
)	
Respondents.)	

NOTICE OF FILING

TO: Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9276
(VIA U.S. MAIL)

(PLEASE SEE ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board RESPONDENTS WILDCAT FARMS, LLC and HIGH-POWER PORK, LLC'S MOTION FOR EXTENSION OF TIME TO ANSWER, a copy of which is herewith served upon you.

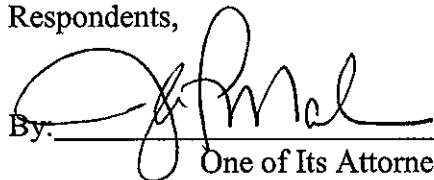
Respectfully submitted,

WILDCAT FARMS, LLC
HIGH-POWER PORK, LLC

Dated: September 29, 2010

Edward W. Dwyer, #6197577
Jennifer M. Martin, #6210218
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776

Respondents,

By:  _____
One of Its Attorneys

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)	
)	
Complainant,)	
)	
v.)	PCB No. 2010-084
)	(Enforcement – Land)
PROFESSIONAL SWINE MANAGEMENT, LLC;)	
HILLTOP VIEW, LLC; WILDCAT FARMS, LLC;)	
HIGH-POWER PORK, LLC; EAGLE POINT)	
FARMS, LLC; LONE HOLLOW, LLC; TIMBER-)	
LINE, LLC; PRAIRIE STATE GILTS, LTD.;)	
NORTH FORK PORK, LLC; LITTLE TIMBER,)	
LLC,)	
Respondents.)	

**RESPONDENTS WILDCAT FARMS, LLC and HIGH-POWER PORK, LLC'S
MOTION FOR EXTENSION OF TIME TO ANSWER**

NOW COMES Respondents, WILCAT FARMS, LLC (“Wildcat Farms”) and HIGH-POWER PORK, LLC (“High Power Pork”), by and through their attorneys, HODGE DWYER & DRIVER, and pursuant to 35 Ill. Admin. Code § 101.522, move the Hearing Officer or Illinois Pollution Control Board (“Board”) in this matter to enter an Order granting the above Respondents an extension of time until thirty (30) days following the Board’s ruling on Respondent, Professional Swine Management, LLC’s Motion to Dismiss and/or Strike, in which to file its Answer or other responsive pleading in the instant matter. In support of this Motion, Respondents state as follows:

1. “The [Illinois Pollution Control] Board or hearing officer, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time.” 35 Ill. Admin. Code § 101.522.

2. On April 15, 2010, the People of the State of Illinois ("the State") filed a Complaint against the above-named Respondents in the above-captioned matter, alleging violations of Section 12 (a), (d), and (f) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/12(a), (d), and (f)) at different concentrated animal feeding operations ("CAFO") in Illinois.

3. On August 5, 2010, the Board granted the State's Motion for Leave to File Amended Complaint and accepted the State's First Amended Complaint for hearing.

4. On August 10, 2010, a Hearing Officer Order was entered that required Respondents to either file a motion attacking the sufficiency of the pleadings by September 7, 2010, or answer the amended complaint by October 4, 2010.

5. On September 10, 2010, Respondent, Professional Swine Management, LLC ("PSM"), filed a Motion to Dismiss and/or Strike.

6. The Motion to Dismiss and/or Strike filed by PSM asks the Board to strike certain allegations within Counts II and III, in which PSM is a co-respondent with Wildcat Farms and High Power Pork.

7. To the extent that PSM is successful in obtaining the relief requested in its Motion to Dismiss and/or Strike, such action may result in certain allegations within Counts II and III against Wildcat Farms and High Power Pork, being stricken, and may require the State to replead these counts.

8. By this Motion, Respondents Wildcat Farms and High Power Pork request that the Board or Hearing Officer grant an extension of time in which to answer, pursuant to 35 Ill. Admin. Code § 101.522, until thirty (30) days following the Board's ruling on PSM's Motion to Dismiss and/or Strike.

9. No material prejudice will result if the Board grants the request of the above Respondents for an extension of time to answer or otherwise respond to the Complaint.

10. For the reasons stated above, good cause exists under 35 Ill. Admin. Code § 101.522, to grant Respondents, Wildcat Farms and High Power Pork's Motion for Extension of Time to Answer.

WHEREFORE, Respondents, WILDCAT FARMS, LLC and HIGH-POWER PORK, LLC, respectfully move the Board or Hearing Officer to enter an Order granting its Motion for Extension of Time until thirty (30) days following the Board's ruling on PSM's Motion to Dismiss and/or Strike.

Respectfully submitted,

WILDCAT FARMS, LLC
HIGH-POWER PORK, LLC

Dated: September 29, 2010

Edward W. Dwyer
Jennifer M. Martin, Of Counsel
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776

Respondents,

By: 

One of Its Attorneys

CERTIFICATE OF SERVICE

I, Jennifer M. Martin, the undersigned, hereby certify that I have served the attached
RESPONDENTS WILDCAT FARMS, LLC and HIGH-POWER PORK, LLC'S MOTION FOR
EXTENSION OF TIME TO ANSWER upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on September 29, 2010; and upon:

Ms. Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Jane E. McBride, Esq.
Office of the Attorney General
State of Illinois
500 South Second Street
Springfield, Illinois 62706

Fred C. Prillaman, Esq.
Joel A. Benoit, Esq.
Mohan, Alewelt, Prillaman & Adami
First of America Center
1 North Old State Capitol Plaza, Suite 325
Springfield, Illinois 62701-1323

Claire Manning, Esq.
Brown Hay & Stephens, LLC
205 South Fifth Street, Suite 700
Post Office Box 2459
Springfield, Illinois 62705-2459

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois,
on September 29, 2010.

