

ILLINOIS POLLUTION CONTROL BOARD  
July 8, 1999

JEAN S. DIXON,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 99-64
	)	(Enforcement - Noise, Citizens)
JOSEPH BEHR & SONS, INC.,	)	
	)	
Respondent.	)	

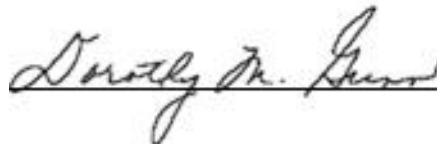
ORDER OF THE BOARD (by M. McFawn):

Complainant Jean S. Dixon commenced this case on November 12, 1998, by filing a formal complaint with the Board. On May 18, 1999, the Board received a letter from Ms. Dixon stating that due to health problems she would not be able to proceed with the case "until further notice." Counsel for respondent Joseph Behr & Sons, Inc. (Behr) received a similar letter, and on June 28, 1999, respondent filed a "Motion to Dismiss," seeking dismissal of this case without prejudice. Behr asserts that Ms. Dixon's letters constitute a motion to voluntarily dismiss the proceeding. Ms. Dixon has not responded to Behr's motion.

The Board does not consider Ms. Dixon's letter a motion to dismiss. She does not request any specific relief from the Board in her letter, and in any event if the letter is to be considered a motion, it could as easily be interpreted as a motion for a stay of proceedings. Nevertheless, we hereby grant Behr's motion and dismiss this case without prejudice. Ms. Dixon has informed the Board that she does not intend to proceed with her complaint, and Behr should not be required to wait indefinitely for further action in this matter. Since dismissal is without prejudice, Ms. Dixon may re-file this case in the future if she is so inclined.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of July 1999 by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board