

ILLINOIS POLLUTION CONTROL BOARD  
April 29, 1982

ALICE WEICH and HULDA WEICH,            )  
  )  
  Complainants,    )  
  )  
  v.                    )     PCB 81-175  
  )  
WILLARD VAN DRUNEN, WARREN            )  
LINDELOF, BEN BACHRACH, and JOHN    )  
BROWN,                                    )  
  )  
  Respondents.    )


ORDER OF THE BOARD (by J.D. Dumelle):

On March 25, 1982 John Brown moved that he be dismissed from this action in that he does not own or control any portion of any business entity which complainants have alleged to have violated environmental laws in this matter. On April 14, 1982 Willard Van Drunen moved for dismissal or stay of this entire action as duplicitous due to complainants having filed Case No. 82 CH 2128 in the Chancery Division of the Circuit Court of Cook County. On April 15, 1982 the complainants filed a response to Mr. Brown's motion to dismiss, and on April 29, 1982 filed a response to Mr. Van Drunen's motion.

Both motions are hereby denied. Complainants have stated a cause of action against Mr. Brown, and the question of his ownership or control is a question of fact best determined at hearing. The question of whether this action is duplicitous is a threshold question which was determined when the Board originally accepted this case and is therefore moot.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 29<sup>th</sup> day of April, 1982 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board