

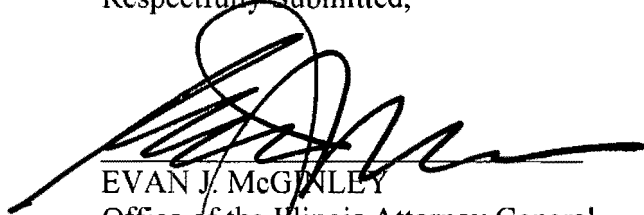
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	PCB No. 2010-20
Complainant,)	
)	(Enforcement - Water)
vs.)	
)	
MONTALBANO BUILDERS, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that today, February 7, 2013, I have filed with the Office of the Clerk of the Illinois Pollution Control Board, Complainant's, the People of the State of Illinois, Motion for Extension of Time and Appearance of Evan J. McGinley, copies of which are attached hereto and hereby served on you.

Respectfully Submitted,



EVAN J. MCGINLEY
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312.814.3153
emcginley@atg.state.il.us

THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
LISA MADIGAN, Attorney General)	
of the State of Illinois,)	
)	PCB No. 2010-20
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MONTALBANO BUILDERS, INC.,)	
an Illinois corporation,)	
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MOTION FOR EXTENSION OF TIME

Complainant, the People of the State of Illinois, by and through its attorney, Lisa Madigan, Attorney General of the State of Illinois, hereby moves the Pollution Control Board for an extension of time in which to file its response to Respondent, First American Properties, LLC's Combined Motion to the Board Pursuant to 735 ILCS 5/2-519.1 to Dismiss Complainant's First Amended Complaint ("Section 2-619.1 Motion" or "Motion"). Complainant states the following in support of this motion.

1. On January 11, 2013, Respondent filed its Section 2-619.1 Motion.
2. On January 23, 2013, Complainant's and Respondent's respective counsel agreed to a briefing schedule on Respondent's 2-619.1 Motion. Under the terms of their agreement, the Complainant was to have until February 15, 2013 by which to file its response to Complainant's Motion and Complainant would have until March 1, 2013 by which to file its reply in support of its Motion.
3. On January 24, 2013, a telephonic status was held in this matter, at which time counsel for the respective parties advised the Hearing Officer of their agreement regarding a

briefing schedule on Respondent's Motion. The Hearing Officer subsequently issued an order adopting the parties agreed upon briefing schedule.

4. On February 5, 2013, Complainant's then-counsel, Zemcheret Bereket-Ab, resigned from the Office of the Attorney General.

5. On February 6, 2013, this matter was assigned to the undersigned Assistant Attorney General. The now assigned counsel has previously-scheduled contested hearing pending in Circuit Court of Cook County on the afternoon of February 14, 2013 (*People v. Justice*, 09 CH 29628).

6. On February 6, 2013, the undersigned counsel contacted counsel for Respondent First American Properties, LLC, and advised them that he had just been assigned to the matter and that because of his upcoming hearing, would be unable to file a response to Respondent's 2-619.1 Motion by the previously-set February 15th deadline. The undersigned requested a two week extension of time in which to file the Complainant's response and Respondent's counsel said that they had no objection, and requested that Respondent be given until March 31, 2013, by which to file their reply in support of their Motion.

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that the Board:

1. Extend the time for Complainant to file its response to Respondent's Motion until March 1, 2013;
2. Extend the time for Respondent to file its reply in support of its Motion until March 31, 2013; and
3. Provide such other relief as the Board may deem appropriate.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Evan J. McGinley', written over a horizontal line.

EVAN J. MCGINLEY
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312.814.3153
emcginley@atg.state.il.us

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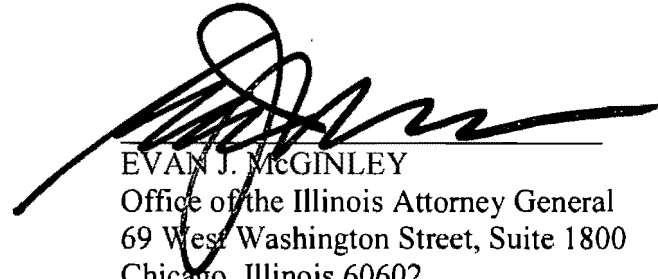
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MONTALBANO BUILDERS, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

APPEARANCE OF EVAN J. MCGINLEY

I, EVAN J. MCGINLEY, Assistant Attorney General, hereby enter my appearance in the above-referenced case, on behalf of Complainant, the People of the State of Illinois.

Respectfully Submitted,



EVAN J. MCGINLEY
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312.814.3153
emcginley@atg.state.il.us

THIS FILING SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, EVAN J. MCGINLEY, do hereby certify that, on February 7, 2013, I caused to be served on the individuals listed below, by first class mail, a true and correct copy of the attached Motion for Extension of Time, Notice of Filing, and Appearance of Evan J. McGinley.

John Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

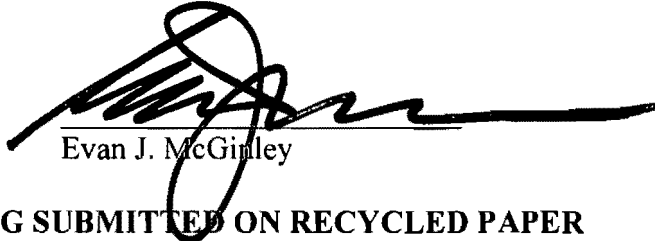
Bradley Halloran
Hearing Officer
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Evan J. McGinley

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