

ILLINOIS POLLUTION CONTROL BOARD
September 20, 1985

MAURINE BACHERT,)
)
 Complainant,)
)
 v.) PCB 85-80
)
 VILLAGE OF TOLEDO, et al.,)
)
 Respondents.)


ORDER OF THE BOARD (by J. Marlin):

Respondent Village of Toledo (Village) personally served a motion to dismiss the complaint, or in the alternative, a motion to make the complaint more definite and certain, upon the petitioner and hearing officer on August 21, 1985, the day of hearing (R. 5). The motion was also mailed to those of record on the same date. The motion mailed to the Clerk did not arrive until September 16, 1985. No response by complainant has been received.

Section 103.140(a) requires that all motions to dismiss shall be filed within 14 days of the filing of the complaint. This Section also requires that all motions, preliminary to a hearing, i.e., the alternative motion to make the complaint more definite and certain, shall be filed at least 14 days prior to the hearing. These motions by the Village, filed on the day of hearing, are untimely and, therefore, denied. The oral motion for directed verdict will be taken with the case.

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 20th day of September, 1985, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board