

ILLINOIS POLLUTION CONTROL BOARD  
March 19, 1987

KENNETH MCNEIL AND )  
LIBBY MCNEIL, )  
 )  
Complainants, )  
 )  
v. ) PCB 86-44  
 )  
CONTINENTAL GRAIN COMPANY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by R. C. Flemal):

On January 23, 1987, Respondent Continental Grain Company ("Continental") filed a motion to dismiss this matter. Continental alleges that Complainants Kenneth McNeil and Libby McNeil ("McNeils") have refused to comply with Orders of the Board and Hearing Officer to respond to discovery.

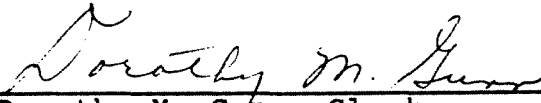
The Board entered an Order on February 19, 1987, which gave the McNeils until March 13, 1987, to show cause as to why this matter should not be dismissed. The McNeils submitted a letter to the Board on March 13, 1987 which, inter alia, outlined the evidence they intend to present at hearing and gave the name of the attorney the Complainants have obtained to represent them in this case.

The gist of the McNeils' March 13 filing is that they continue to desire that the allegations found in their complaint be adjudicated. However, their March 13 submittal is not responsive to the question of why they have not complied with previous Board and Hearing Officer Orders directing them to respond to Continental's May 19, 1986, discovery requests. The Complainants must respond to the Interrogatories and Request for Production of Documents filed on that date, and only after such response can this matter proceed to hearing.

In the realization that the McNeils may not have fully understood the Board's February 19, 1987 Order, the Board will allow the Complainants until April 10 to respond to Continental's May 19, 1986, Interrogatories to Complainants and Request for Production of Documents. If Complainants fail to make such response within the time stated, this matter will be dismissed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 19<sup>th</sup> day of March, 1987, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board