

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	
Complainants,)	
)	
v.)	PCB No-2013-015
)	(Enforcement – Water)
MIDWEST GENERATION, LLC,)	
)	
Respondents)	

AGREED PROPOSED SCHEDULING ORDER

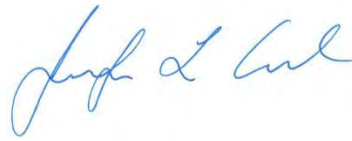
Complainants Sierra Club, Environmental Law & Policy Center (“ELPC”), Prairie Rivers Network, and Citizens Against Ruining the Environment (“CARE”), by and through their counsel, have conferred with counsel for Respondent Midwest Generation, LLC (“MWG”), and the parties have agreed to the following Agreed Proposed Scheduling Order for preparations leading up to, and including, the liability hearing in the above-referenced matter. The parties’ joint proposal is as follows:

- April 6, 2017: parties hold phone conference with Hearing Officer, with call-in information provided by Complainants.
- April 10, 2017: All supplemental fact discovery due; no further production after this date.
- April 27, 2017: Identification of any additional items on which experts intend to rely from the supplemental fact discovery produced in 2017.
- May 1, 2017: Complainants submit to Respondents a witness list and exhibit list; including proposed order of witnesses.

Electronic Filing: Received, Clerk's Office 4/3/2017

- May 8, 2017: Respondents submit to Complainants a witness list and exhibit list; including proposed order of witnesses.
- May 15, 2017: Parties exchange proposed stipulations.
- May 15-19, 2017: Parties confer to develop joint stipulations, if any.
- May 22, 2017: Parties file Motions in Limine.
- June 9, 2017: Parties file responses to Motions in Limine, if any.
- June 26, 2017: Parties each submit pre-hearing Memoranda, including statement of case, final order of witnesses, final exhibit list and list of demonstrative exhibits; Parties also submit joint (agreed) stipulations to Board.
- July 17-21: Hearing

Respectfully submitted,



Jennifer L. Cassel
Lindsay Dubin
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
jcassel@elpc.org
ldubin@elpc.org
(312) 795-3726

*Attorneys for ELPC, Sierra Club and
Prairie Rivers Network*

Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com

Gregory E. Wannier
2101 Webster St., Ste. 1300
Oakland, CA 94612
(415) 977-5646
Greg.wannier@sierraclub.org

Attorneys for Sierra Club

Abel Russ
Attorney
Environmental Integrity Project
1000 Vermont Avenue NW
Washington, DC 20005
aruss@environmentalintegrity.org
802-662-7800 (phone)
202-296-8822 (fax)

Attorney for Prairie Rivers Network

Keith Harley
Chicago Legal Clinic, Inc.
211 W. Wacker, Suite 750
Chicago, IL 60606
kharley@kentlaw.iit.edu
312-726-2938 (phone)
312-726-5206 (fax)

Attorney for CARE

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **AGREED PROPOSED SCHEDULING ORDER** was served electronically to all parties of record listed below, on April 3, 2017.

/s/ Matthew Glover
Matthew Glover
Legal Assistant
Environmental Law and Policy Center
35 E Wacker Drive. Suite 1600
Chicago, Illinois 60601
(312) 795-3719

PCB 2013-015 SERVICE LIST:

Jennifer T. Nijman
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603

Gregory E. Wannier
2101 Webster St., Ste. 1300
Oakland, CA 94612
(415) 977-5646
Greg.wannier@sierraclub.org

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
100 West Randolph St
Suite 11-500
Chicago, IL 60601

Abel Russ
Attorney
Environmental Integrity Project
1000 Vermont Avenue NW
Washington, DC 20005
aruss@environmentalintegrity.org
(802) 662-7800 (phone)
(202) 296-8822 (fax)

Lindsay Dubin
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
ldubin@elpc.org
(312) 795-3726

Keith Harley
Chicago Legal Clinic, Inc.
211 W. Wacker, Suite 750
Chicago, IL 60606
kharley@kentlaw.iit.edu
312-726-2938 (phone)
312-726-5206 (fax)

Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com