

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

\_\_\_\_\_  
BNSF RAILWAY COMPANY, f/k/a The  
Burlington Northern and Santa Fe Railway  
Company,  
  
Complainant,  
  
vs.  
  
INDIAN CREEK DEVELOPMENT  
COMPANY, an Illinois Partnership, individually  
and as beneficiary under trust 3291 of the Chicago  
Title and Trust Company dated December 15, 1981  
and the Chicago Title & Trust Company, as trustee  
under trust 3291, dated December 15, 1981, and  
JB INDUSTRIES, INC.,  
  
Respondents.  
\_\_\_\_\_



**ORIGINAL**

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STATE OF ILLINOIS  
Pollution Control Board


PCB-14-081

**NOTICE OF FILING**

TO: William J. Anaya  
Matthew E. Cohn  
Arnstein & Lehr LLP  
120 South Riverside Plaza  
Suite 1200  
Chicago, IL 606

PLEASE TAKE NOTICE that on April 23, 2014, the undersigned filed with the Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, James R. Thompson Center, Suite 11-500, Chicago, Illinois, **Complainant BNSF Railway Company's Unopposed Motion for Extension of Time to File Response to Motion for Reconsideration**, a copy of which is herewith served upon you.

BNSF RAILWAY COMPANY

By:   
\_\_\_\_\_  
One of Its Attorneys

Pam Nehring  
Sean M. Sullivan  
Jennifer Schuch  
DALEY MOHAN GROBLE, P.C.  
55 West Monroe Street  
Suite 1600  
Chicago, Illinois 60603  
(312) 422-9999

**CERTIFICATE OF SERVICE**

I, Sean M. Sullivan, an attorney, certify that I caused a true copy of the foregoing  
**BNSF's Notice of Filing** to be served upon the attorneys listed below, by electronic mail and  
U.S. mail on April 23, 2014:

William J. Anaya  
Matthew E. Cohn  
Arnstein & Lehr LLP  
120 South Riverside Plaza  
Suite 1200  
Chicago, IL 60606

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Sean M. Sullivan

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PCB-14-081

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE TO MOTION FOR RECONSIDERATION**

Complainant, BNSF Railway Company (“BNSF”), by its attorneys, Daley Mohan Groble, P.C., pursuant to § 101.500(d) of the General Rules of the Illinois Pollution Control Board (“Board”) (35 Ill. Adm. Code 101.500(d)), moves the Board for entry of an order extending the time for BNSF to file its response to Respondents’ Motion for Reconsideration for seven days, to and including May 1, 2014. In support of its Motion, BNSF states as follows:

1. Respondents filed their Motion for Reconsideration on April 10, 2014, and served the Motion by United States mail. Pursuant to §§ 101.300(a) and (c) and § 101.500(d) of the Board’s General Rules (35 Ill. Adm. Code 101.300(a), (c), 101.500(d)), BNSF’s response to the Motion for Reconsideration is due on April 24, 2014.

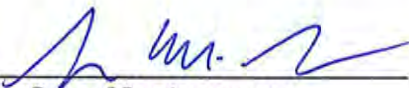
2. Counsel for BNSF has been engaged in trial preparation, discovery and motion practice in numerous cases during the period from April 10, 2014 to the present, including extensive work in civil litigation between BNSF and Respondent Indian Creek Development Company related to the underlying matters set forth in the Complaint.

3. BNSF therefore requests an extension of seven days, to and including May 1, 2014, to file its response to the Respondents' Motion for Reconsideration.

4. Counsel for BNSF has consulted with counsel for Respondents and has been advised that Respondents do not object to the requested extension.

WHEREFORE, Complainant BNSF Railway Company moves for entry of any order extending the time for Complainant to respond to Respondents' Motion for Reconsideration to and including May 1, 2014.

BNSF RAILWAY COMPANY

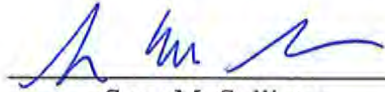
By:   
One of Its Attorneys

Pam Nehring  
Sean M. Sullivan  
Jennifer Schuch  
DALEY MOHAN GROBLE, P.C.  
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Suite 1600  
Chicago, Illinois 60603  
(312) 422-9999

**CERTIFICATE OF SERVICE**

I, Sean M. Sullivan, an attorney, certify that I caused a true copy of the foregoing **BNSF's Motion for Extension of Time to File Response to Motion for Reconsideration** to be served upon the attorneys listed below, by electronic mail and U.S. mail on April 23, 2014:

William J. Anaya  
Matthew E. Cohn  
Arnstein & Lehr LLP  
120 South Riverside Plaza  
Suite 1200  
Chicago, IL 60606

  
\_\_\_\_\_  
Sean M. Sullivan