

THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

HOLIDAY SHORES SANITARY DISTRICT

V

SYNGENTA CROP PROTECTION, INC. and
GROWMARK, INC.

04-L-710

FILED
NOV 20 2009
CLERK OF CIRCUIT COURT #77
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

Order

This file came before the Court on Plaintiff's Motion to Amend the Complaint and seeking leave to file a Second Amended Class Action Complaint. The Court heard argument and took the motion under advisement to read the file, the motions, the cases cited, and to review the arguments made. Having done so, the Court now enters this order.

The Amended Motion to file an amended complaint is granted.

The Court notes that this newly filed Second Amended Class Action Complaint adds additional named plaintiffs and that paragraph 12 lists additional degradant chemicals than those named in the First Amended Complaint. The proposed class definition has also been amended. The Court has insufficient factual information to determine at this point whether the claims in the Second Amended Complaint relate back to the original filing date and reserves ruling on the relation back issue.

The Court strikes from the Prayer for Relief in each Count subparagraph d) which seeks an order requiring Defendants to prepare a remedial plan.

Entered this 20th of November, 2009.



Judge