In The Illinois Independent Tax Tribunal

Cook County, Illinois

INNOPHOS HOLDINGS INC., *Petitioner,* v. **ILLINOIS DEPARTMENT OF REVENUE,** *Respondent.*	14 TT 214 Chief Judge JAMES M. CONWAY. Judge Presiding.

NOTICE OF FILING

TO: See Attached Certificate of Service

PLEASE TAKE NOTICE that on August 20, 2015, I caused to be filed with the Illinois Independent Tax Tribunal, the **CONSENT MOTION OF PETITIONER, INNOPHOS HOLDINGS INC., FOR FIRST EXTENSION OF TIME TO FILE ITS RESPONSE TO THE DEPARTMENT'S MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT**, a copy of which is attached hereto and herewith served upon you.

Michael J. Wynne

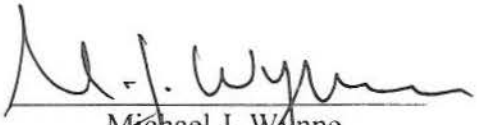
Michael J. Wynne
Adam P. Beckerink
REED SMITH LLP
10 South Wacker Drive, Suite 4000
Chicago, Illinois 60606
(312) 207-1000

CERTIFICATE OF SERVICE

The undersigned, an attorney, does hereby certify that I caused the **CONSENT MOTION OF PETITIONER, INNOPHOS HOLDINGS INC., FOR FIRST EXTENSION OF TIME TO FILE ITS RESPONSE TO THE DEPARTMENT'S MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT** to be served upon:

Jonathan M. Pope, Special Assistant Attorney General – State of Illinois
100 West Randolph Street, 7-900
Chicago, Illinois 60601
(312) 814-3185
Attorney for Respondent

by electronic mail delivery on August 20, 2015.

By: 

Michael J. Wynne

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

In The Illinois Independent Tax Tribunal

Cook County, Illinois

INNOPHOS HOLDINGS INC., *Petitioner,* v. **ILLINOIS DEPARTMENT OF REVENUE,** *Respondent.*	14 TT 214 Chief Judge JAMES M. CONWAY, Judge Presiding.

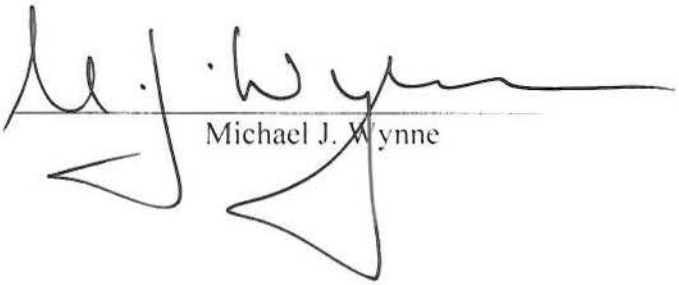
CONSENT MOTION OF PETITIONER, INNOPHOS HOLDINGS INC., FOR FIRST EXTENSION OF TIME TO FILE ITS RESPONSE TO THE DEPARTMENT'S MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT

Petitioner, Innophos Holdings, Inc., ("Innophos") with the consent of the Respondent, moves that the Illinois Independent Tax Tribunal to extend the time to respond to the Department's Motion for Summary Judgment and Response to Petitioner's Motion for Summary Judgment by 30 days.

This Court by Order issued a briefing schedule on July 2, 2015 setting Petitioner's reply to the Department's response due on August 24, 2015, 14 days after the Department was to file its response. On August 20, 2015, the Department filed its Motion for Summary Judgment and Response to Petitioner's Motion for Summary Judgment. The Department's Motion for Summary Judgment and Response to Petitioner's Motion for Summary Judgment consists of 54 pages of argument and over 350 pages of Exhibits. While there is no page limit in the Tax Tribunal Rules regarding the length of a response brief, Petitioner expected the Department's response to be a little more "brief." Due to the extensiveness of the Department's Motion for Summary Judgment and Response to

Petitioner's Motion for Summary Judgment, Petitioner respectfully requests an additional 30 days to prepare its reply to the Department's quasi-brief.

In support of this motion, the affidavit of Michael J. Wynne is attached.



Michael J. Wynne

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(312) 207-1000

Attorneys for Petitioner, Innophos Holdings, Inc.

STATE OF ILLINOIS)
)
COUNTY OF COOK)

AFFIDAVIT OF MICHAEL J. WYNNE

Michael J. Wynne certifies that:

1. I have first-hand knowledge of the facts stated in this Affidavit and could testify to them if called as a witness.

2. I am an attorney with Reed Smith LLP.

3. I am responsible for representing the Petitioner, Innophos Holdings, Inc., in *Innophos Holdings Inc. v. Illinois Department of Revenue*, 14 TT 214. Petitioner's reply to the Department's Motion for Summary Judgment and the Response to Petitioner's Motion for Summary Judgment is due August 24, 2015.

(a) The number of days requested by Petitioner and granted by this Tribunal on each previous request is: 30. The total number of days previously granted by this Tribunal is: 30.

(b) The total number of days requested and the total number of days granted on all of the previous motions for extension of time filed by other parties are: 30 days requested, 30 days granted.

4. I anticipated receiving a brief response to the Motion for Summary Judgment and, instead, received the Department's Motion For Summary Judgment and Response to Petitioner's Motion for Summary Judgment (the "Department's Motion"), which spans 54 pages and contains more than 350 pages of exhibits.

5. I reviewed the applicable Tax Tribunal rules for page length requirements and did not find any limitations.

6. Further, when the Department filed its own Motion for Summary Judgment, it has raised new issues for which Innophos will need adequate time to develop a response.

7. Due to the length of the Department's Motion and the fact that it is its own motion and not just a response, I anticipate that it will require significant time to read and develop responses to the Department's Motion than are allowable under the current time schedule, and I will be unable to complete the Response to the Motion for Summary Judgment by the current due date.

5. On August 20, 2015, my colleague, Adam P. Beckerink contacted Rickey A. Walton, one of the attorneys for the Respondent, who advised him that they have no objection to the Tribunal granting the foregoing Motion for Extension.

6. For the reasons stated above, I respectfully ask the Tribunal grant the Petitioner an extension with regard to the briefing schedule for its Motion for Summary Judgment.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Michael J. Wynne