

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>by KWAME RAOUL,</b>	)	
<b>Attorney General of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	<b>PCB No. 22-79</b>
	)	<b>(Enforcement—Air)</b>
<b>v.</b>	)	
	)	
<b>CURLESS FLYING SERVICE, INC.,</b>	)	
<b>an Illinois corporation, and</b>	)	
<b>FARM AIR, INC., an Illinois corporation,</b>	)	
	)	
<b>Respondents.</b>	)	

**NOTICE OF FILING**

To: See Attached Service List (Via Electronic Filing)

PLEASE TAKE NOTICE that the undersigned filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Notice of Filing, Motion for Entry of Protective Order and HIPAA Qualified Protective Order, copies of which are attached hereto and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,

KWAME RAOUL  
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

By: /s/Christina L. Nannini  
Christina L Nannini, #6327367  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
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Date: November 30, 2023

**SERVICE LIST**

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

For the Respondent:

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Jennifer A. Dancy  
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	)	
<b>Respondents.</b>	)	

**MOTION FOR ENTRY OF PROTECTIVE ORDER**

NOW COMES Complainant, People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, and Respondents, Curless Flying Service, Inc. and Farm Air, Inc., and request the entry of the attached proposed HIPPA Qualified Protective Order. In support thereof, the parties state as follows:

1. Filed contemporaneously with this Motion is a proposed HIPPA Qualified Protective Order covering protected health information exchanged through the course of this litigation.
2. The parties are nearing the completion of discovery in this matter and anticipate exchanging protected health information.
3. Counsel for Complainant shared the proposed HIPPA Qualified Protective Order with counsel for the Respondents and counsel for Respondents approved the proposed Order.

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4. The parties request the entry of the Proposed HIPPA Qualified Protective Order.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

KWAME RAOUL  
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: /s/ Christina L. Nannini  
CHRISTINA L. NANNINI  
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500 South Second Street  
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-AND-

CURLESS FLYING SERVICE, INC. and  
FARM AIR, INC.

TRESSLER LLP

By: /s/ Jennifer A. Dancy

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[jdancy@tresslerllp.com](mailto:jdancy@tresslerllp.com)

Dated: November 30, 2023

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	)	
<b>Respondents.</b>	)	

**HIPAA QUALIFIED PROTECTIVE ORDER**

During the course of this litigation, the parties may attempt to obtain protected health information from a covered entity. Accordingly, the Illinois Pollution Control Board enters this qualified protective order regarding the disclosure of protected health information. 35 Ill. Adm. Code 101.616(d). For the purposes of this order, “covered entity” means a health plan, a health care clearinghouse, or a healthcare provider who transmits any health information in electronic form in connection with a transaction covered by this subchapter. *See* 45 CFR 160.13. For the purposes of this order, “protected health information” means individually identifiable health information that is transmitted by electronic media; maintained in electronic media; or transmitted or maintained in any other form or medium. *Id.*

IT IS THEREFORE ORDERED:

- 1) This order applies to a) any protected health information sought by a party to this lawsuit from a covered entity pursuant to a subpoena, discovery request or other lawful process.
- 2) Anyone receiving protected health information in connection with this litigation is prohibited from using or disclosing said information for any purpose other than this litigation.

Authorized disclosure for purposes of this litigation includes, but is not limited to, disclosure to the necessary person for investigation, consultation, discovery, depositions, hearing, appeal, and settlement.

3) At the end of this litigation, the parties must either return all protected health information to the covered entity or destroy the information. This litigation ends after an order has been entered in this case disposing of all claims and all appeals have been resolved, if any.

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HEARING OFFICER

FOR THE COMPLAINANT:

PEOPLE OF THE STATE OF ILLINOIS  
by KWAME RAOUL  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

BY: s/Christina L. Nannini  
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FOR THE RESPONDENTS:

CURLLESS FLYING SERVICE, INC and  
FARM AIR, INC

TRESSLER, LLC

BY: s/Jennifer A. Dancy  
Jennifer A. Dancy  
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233 S. Wacker Drive, 61<sup>st</sup> Floor  
Chicago, IL 60606  
312-627-4000  
jdancy@tresslerllp.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 30, 2023, she caused to be served by electronic mail, a true and correct copy of the following instruments entitled Notice of Filing and Motion for Entry of Protective Order and HIPAA Qualified Protective Order to:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274  
[carol.webb@illinois.gov](mailto:carol.webb@illinois.gov)

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[jdancy@tresslerllp.com](mailto:jdancy@tresslerllp.com)

/s/Lilia M. Brown  
Lilia M. Brown  
Environmental Bureau

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 Certificate of Service 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 she verily believes the same to be true.

/s/Lilia M. Brown  
Lilia M. Brown  
Environmental Bureau