

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,

Complainant,

v.

LISLE TOWNSHIP HIGHWAY
DEPARTMENT,

Respondent.

Case No. PCB 2023-013

(Citizens Enforcement - Water)

Hearing Officer: Bradley P. Halloran

**RESPONDENT, LISLE TOWNSHIP ROAD DISTRICT'S, MOTION FOR
PRODUCTION OF EVIDENCE AND DISCOVERY**

NOW COMES the Respondent, LISLE TOWNSHIP ROAD DISTRICT, by and through its attorneys, ANCEL GLINK, P.C., pursuant to 35 Ill. Adm. Code 101.610 through 101.616 for its Motion for Production of Information and Discovery, and state as follows:

1. The Illinois Administrative Code Title 35 (the "Code") grants hearing officers the powers necessary to conduct fair hearings, which includes the authority to order the production of evidence, as well as, issue orders compelling answers to interrogatories or responses to discovery requests. 35 Ill. Adm. Code 101,610 (g), (h) and (m), 101.614. 101.616
2. On the motion of any party, the hearing officer may order the production of information that is relevant to the matter under consideration including subpoenas to produce books, papers, documents, or other tangible things designated in the subpoena and relevant to the matter under consideration. 35 Ill. Adm. Code 101.614, 101.622(c).
3. The Complaint alleges that Respondent's conduct on June 30, July 1 and July 7, 2022 (the "relevant time period") violates the Environmental Protection Act. (Comp. at 3, ¶ 7).
4. Respondent contracted with Globe Construction, Inc. for services including but not limited to curbing and sidewalk work to be completed during the relevant time period alleged in the Complaint.

5. The Complainant alleges that the pollution was a result of Respondent's curbing and sidewalk work. (Comp. at 2, ¶ 4).

6. In order for Respondent to conduct a proper investigation and reply to the Complainant's allegations, Respondent is in need of additional information from Globe Construction, Inc, and any of Globe Construction Inc.'s contractors or subcontractors involved in the curb and sidewalk work during the relevant time period.

WHEREFORE, Respondent requests that the Hearing Officer for the Illinois Pollution Control Board grant Respondent's Motion for Production of Evidence and Discovery by (i) entering an order allowing Respondent to issue discovery on Globe Construction, Inc. and any contractors or subcontractors related to the curb and sidewalk work, (ii) issuing subpoenas to Globe Construction, Inc. and any contractors or subcontractors for the relevant period for curb and sidewalk work performed on behalf of the Respondent and (iii) grant any other relief that this Board deems appropriate and just.

Dated: November 14, 2022

Respectfully Submitted,

LISLE TOWNSHIP ROAD DISTRICT

/s/ David S. Silverman
One of the Attorneys for Respondent,
Lisle Township Road District

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CERTIFICATE OF SERVICE

TO: Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Ste. 630
Chicago, IL 60605
Don.Brown@illinois.gov

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Ste. 630
Chicago, IL 60605
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Paul Pratapas
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The undersigned, an attorney, certify that I served **LISLE TOWNSHIP ROAD DISTRICT'S, MOTION FOR PRODUCTION OF EVIDENCE AND DISCOVERY** by emailing a copy of same to the parties listed above on the 14th day of November 2022, before 5:00 p.m.

ANCEL GLINK, P.C.

By: /s/ David S. Silverman
One of the Attorneys for Respondent

[x] 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 he/she verily believes same to be true.

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