

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	
)	
v.)	PCB No: <u>2023-107</u>
)	(Pollution Control Facility Siting Appeal)
)	
CITY OF WEST CHICAGO, WEST)	
CHICAGO CITY COUNCIL, and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
Respondents)	
)	
<hr style="width: 35%; margin-left: 0;"/>		
PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
)	
Petitioner,)	
)	
v.)	PCB No: <u>2023-109</u>
)	(Third-Party Pollution Control Facility
CITY OF WEST CHICAGO and)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
)	
Respondents.)	

NOTICE OF FILING

To: **See Attached Service List**

PLEASE TAKE NOTICE that on May 5, 2023, Protect West Chicago electronically filed with the Illinois Pollution Control Board, 60 E. Van Buren Street, Suite 630, Chicago, IL 60605, an original of the attached:

- **Protect West Chicago’s First Set Of Interrogatories To City Of West Chicago**
- **Protect West Chicago’s First Request For Production Of Documents From City Of West Chicago**
- **Protect West Chicago’s First Request For Production Of Documents From Lakeshore Recycling Systems, LLC**

Copies of which are attached and served upon you.

Dated: May 5, 2023

Respectfully Submitted,



Ricardo Meza
Meza Law
542 S. Dearborn, 10th Floor
Chicago, IL 60605
(312) 802-0336
rmeza@meza.law

Ricardo Meza
Attorney for Protect West Chicago

CERTIFICATE OF SERVICE

I, Ricardo Meza, an attorney, certify that I have served the attached:

- **Protect West Chicago's First Set Of Interrogatories To City Of West Chicago**
- **Protect West Chicago's First Request For Production Of Documents From City Of West Chicago**
- **Protect West Chicago's First Request For Production Of Documents From Lakeshore Recycling Systems, LLC**

on the below-named parties (Service List) by delivering the document to them via electronic mail on May 5, 2023 and via the PCB's Clerk's Office electronic filing system.



Ricardo Meza

SERVICE LIST

George Mueller, Attorney at Law
1S123 Gardener Way
Winfield, IL 60190
[630-235-0606](tel:630-235-0606) cell
gmueller21@sbcglobal.net
george@muelleranderson.com

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
Brad.Halloran@illinois.gov

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Northwestern Pritzker School of Law
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Chicago, IL 60611
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501 State St.
Ottawa, IL 61350
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Donnellylaw501@gmail.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
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v.)	PCB No: <u>PCB 2023-107</u>
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)	(Third-Party Pollution Control Facility
CITY OF WEST CHICAGO and)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
)	
Respondents.)	

PROTECT WEST CHICAGO’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM CITY OF WEST CHICAGO

NOW COMES the Petitioner, Protect West Chicago, (“PWC”), by and through its attorney, Meza Law, and pursuant to 35 IAC 101.616, hereby requests that Respondent, CITY OF WEST CHICAGO, produce the documents requested herein for inspection and copying at the offices of Meza Law, 542 S. Dearborn, 10th Floor Chicago, IL 60605, within 28 days of service hereof.

DEFINITIONS AND INSTRUCTIONS

- A. "Documents" shall include all written material or other tangible medium of reproduction of every kind or description, however produced or reproduced, including, without limitation, text messages, correspondence, notes, memoranda, recordings, photographs,

letters, financial statements, tax returns, bank account statements, specifications, inspection reports, blueprints, drawings, diagrams, charts, summaries, computer printouts, computer or other digital data, microfilm, microfiche, records of oral conversations, diaries, calendars, field reports, logs, minutes, meetings, analyses, projections, work papers, tape recordings, films, video tapes, models, statistical statements, graphs, laboratory and engineering reports and notebooks, plans, minutes or records of meetings, minutes or records of conferences, lists of persons attending meetings or conferences, reports and/or summaries of investigations, opinions, or reports of consultants, appraisals, evaluations, records, contracts, agreements, leases, invoices, receipts, preliminary drafts, however denominated, by whomever prepared, to whomever addressed, which are in possession of the respondent as defined herein. Further, "documents" includes any copies of documents which are not identical duplicates of originals, including, but not limited to, all drafts of whatever date and copies with typed or handwritten notations, and any other form of reporting, storing, maintaining or indexing such information, including, without limitation, electronic storage, computer storage, shorthand notes, diagrams, magnetic cards and other forms of storage.

- B. "Relating to" shall refer to documents that contain or refer in any way, directly or indirectly, to or in any legal, logical or factual way, or are in any other way connected with, the subject matter of a paragraph of this Request.
- C. Whenever reference is made to any person or entity by name, such reference shall be deemed to include all of the person's or entity's agents, employees, appointed officials, elected officials and attorneys, and the entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent

companies, and includes present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys.

D. This request shall be deemed continuing so as to require prompt, further and supplemental production if you obtain possession of documents responsive to any request herein.

E. If you assert that any document called for by this request is privileged, you shall provide the following information with respect to each document:

- (1) Its date;
- (2) Its author;
- (3) All addresses of recipients of the original or copies thereof;
- (4) A brief description of its subject matter and physical size; and
- (5) The nature of the privilege claimed.

F. Wherever appropriate herein, the singular form of a word should be interpreted to include the plural, and vice versa.

G. "City" shall refer to the City of West Chicago.

H. If any document requested by this request has been destroyed, mutilated, altered, redacted, or discarded, that document must be identified by stating:

- (1) The name and address of the sender of the document;
- (2) The name and address of the author of the document;
- (3) The name and address of all entities to whom the document was addressed;
- (4) The name and address of all entities to whom a copy of the document was sent;
- (5) The name and address of all entities known to Defendants who had seen the document or participated in communications about the document;
- (6) The job title of each entity listed in (1) through (5) above;
- (7) The name and address of all entities known to Defendants who have received or currently possess a copy of the document;
- (8) The date of the document;
- (9) The date of destruction, alteration, mutilation, redaction, or discard of the document, manner of destruction, alteration, mutilation, redaction, or discard of the document, and reasons for destruction, alteration, mutilation, redaction, or discard of the document;
- (10) A brief description of the nature and subject of the document; and
- (11) The entity authorizing and performing the destruction, alteration, mutilation, redaction, or discard of the document.

- I. If you object to any of the definitions or instructions herein, or to any of these specific requests herein, state in writing each objection and the grounds thereof.
- J. You are requested to produce an affidavit stating whether the production is complete in accordance with this request as provided in Illinois Supreme Court Rule 214.

DOCUMENTS REQUESTED

1. A copy of the audio recording of the City of West Chicago City Council closed executive session held on February 27, 2023.
2. For the time period **from January 1, 2019 to September 16, 2022**, a copy of any and all documents relating to the proposed West DuPage Recycling and Transfer Station, located at 1655 Powis Road, West Chicago, IL, by and between any of the following:
 - a. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any employee or consultant of Lakeshore Recycling, LLC.
 - b. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any other City Council members, City staff, City Department personnel and/or consultants retained by the City.
 - c. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any member of the public or third party, including but not limited to Pastor Josh Ebener.
3. For the time period **from September 16, 2022 to March 1, 2023**, a copy of any and all documents relating to the proposed West DuPage Recycling and Transfer Station, located at 1655 Powis Road, West Chicago, IL, by and between any of the following:

- a. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any employee or consultant of Lakeshore Recycling, LLC.
 - b. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any other City Council members, City staff, City Department personnel and/or consultants retained by the City.
 - c. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any member of the public or third party, including but not limited to Colin Hale.
4. A copy of all documents relating to Interrogatory No. 11 in which PWC asks the City of West Chicago to:
- “State whether Lakeshore Recycling, LLC reimbursed the City of West Chicago \$9,109.00 in attorney fees and \$352.91 in costs for the City of West Chicago’s failure to comply with the Freedom of Information Act request in cause number 2021 MR 449 and as set forth in the attached exhibit PWC-31.”

ANSWER:

5. A copy of all documents relating to Interrogatory No. 12 in which PWC asks the City of West Chicago to:
- State what if any action the City of West Chicago took to obtain Spanish-Language interpreters either prior to the start of the public Siting Hearings in January 2023 or after Mr. Steve De La Rosa publicly informed the City of West Chicago, during the siting hearing that there was “no Spanish language translation here for people from the community in a minority-majority community that have an interest in this along

with the rest of the people of West Chicago.” *See* Siting Hearing Transcript at p. 939.

ANSWER:

6. A copy of all documents relating to Interrogatory No. 12 in which PWC asks the City of West Chicago to:

“Identify all person(s) who communicated with Tom Dabareiner in relation to the two letters he prepared dated October 15, 2019 and August 24, 2022 identified at Exhibits PWC-13A and PWC-34 and attached hereto, as well as the date(s) of such communications.”

ANSWER:

Dated: May 05, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

Ricardo Meza
Meza Law
542 S. Dearborn, 10th Floor
Chicago, IL 60605
(312) 802-0336
rmeza@meza.law

UNITED STATES OF AMERICA

STATE OF ILLINOIS

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

OLGA RIVERA

Plaintiff

-VS-

WEST CHICAGO CITY OF

Defendant

2021MR000449
CASE NUMBER



FILED

21 Oct 06 PM 12: 59

CLERK OF THE
18TH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

ORDER

This matter having come before the Court, the Court having jurisdiction and being fully advised in the premises:

IT IS HEREBY ORDERED as follows:

As a prevailing party under Section 11 of FOIA in regard to the issue of non-technical documents being impermissibly withheld under Section 7(1)(k) of FOIA, the City of West Chicago is ordered to pay the Plaintiff, Olga Rivera, through her law firm, Luetkehans, Brady, Garner & Armstrong, LLC, \$9,109.00 in attorney fees and \$352.91 in costs based on the calculations set forth in the record of proceedings.

Submitted by: JESSICA G. NOSALSKI
Attorney Firm: LUETKEHANS BRADY GARNER & ARMSTRONG LLC
DuPage Attorney Number: 8500
Attorney for: PLAINTIFF
Address: 105 E IRVING PARK ROAD
City/State/Zip: ITASCA, IL, 60143
Phone number: 630-773-8500
Email : jgn@lbgalaw.com

Entered: 10/06/2021

JUDGE PAUL FULLERTON

Validation ID : DP-10062021-1259-38181

Date: 10/06/2021

APPENDIX 2-D

LETTER FROM WEST CHICAGO

CITY OF
WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

October 15, 2019

RE: Residential-zoned property located east of 1655 Powis Road, West Chicago, Illinois

To Whom It May Concern:

The Union Pacific Railroad line runs east of the subject property within Union Pacific Right of Way (ROW). While the ROW is zoned ER, Estate Residential, as an active rail line there can be no residential development within this corridor. Furthermore, there is insufficient room for a legally-sized series of Estate Residential lots including access to those lots. Finally, the ER zoning designation for the corridor is a remnant classification from the time it was annexed to the City of West Chicago.

As such, the City believes Section 22.14(a) 1,000 foot setback requirement is not applicable.

Please contact me if you have any questions.

Sincerely,



Tom Dabareiner AICP

Community Development Director/Zoning Administrator

475 Main Street
West Chicago, Illinois
60185

T (630) 293-2200
F (630) 293-3028
www.westchicago.org

Ruben Pineda
MAYOR

Nancy M. Smith
CITY CLERK

Michael L. Guttman
CITY ADMINISTRATOR

APPENDIX 2-D2

LETTER FROM WEST CHICAGO

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

August 24, 2022

RE: Residential-zoned property located east of 1655 Powis Road, West Chicago, Illinois

To Whom It May Concern:

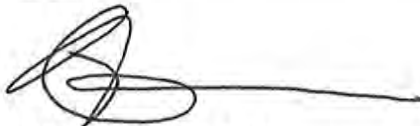
Both the Union Pacific Railroad and the Canadian National Railroad operate parallel tracks on land running northwest to southeast, east of and adjacent to the subject property. The right-of-way for these rail lines carries a remnant zoning classification of Estate Residential, which is the classification assigned upon annexation. No effort was made to reclassify the property.

As an active rail corridor, there can be no residential development. Furthermore, there is insufficient room to construct homes on one-acre minimum lots and no convenient way to access what would be a narrow string of properties. Residential development on this property is physically impossible.

As such, the City concludes that the 1,000-foot setback requirement in 415 ILCS 5/22.14(a) is not applicable.

Please contact me if you have any questions.

Sincerely,



Tom Dabareiner AICP
Community Development Director and Zoning Administrator

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CITY ADMINISTRATOR

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
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v.)	PCB No: <u>PCB 2023-107</u>
)	(Pollution Control Facility Siting Appeal)
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LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
Respondents)	
_____)	
PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
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)	(Third-Party Pollution Control Facility
CITY OF WEST CHICAGO and)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
)	
Respondents.)	

PROTECT WEST CHICAGO’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM LAKESHORE RECYCLING SYSTEMS, LLC

NOW COMES the Petitioner, Protect West Chicago, (“PWC”), by and through its attorney, Meza Law, and pursuant to 35 IAC 101.616, hereby requests that Respondent, Lakeshore Recycling Systems, LLC, produce the documents requested herein for inspection and copying at the offices of Meza Law, 542 S. Dearborn, 10th Floor Chicago, IL 60605, within 28 days of service hereof.

DEFINITIONS AND INSTRUCTIONS

- A. "Documents" shall include all written material or other tangible medium of reproduction of every kind or description, however produced or reproduced, including, without

limitation, text messages, correspondence, notes, memoranda, recordings, photographs, letters, financial statements, tax returns, bank account statements, specifications, inspection reports, blueprints, drawings, diagrams, charts, summaries, computer printouts, computer or other digital data, microfilm, microfiche, records of oral conversations, diaries, calendars, field reports, logs, minutes, meetings, analyses, projections, work papers, tape recordings, films, video tapes, models, statistical statements, graphs, laboratory and engineering reports and notebooks, plans, minutes or records of meetings, minutes or records of conferences, lists of persons attending meetings or conferences, reports and/or summaries of investigations, opinions, or reports of consultants, appraisals, evaluations, records, contracts, agreements, leases, invoices, receipts, preliminary drafts, however denominated, by whomever prepared, to whomever addressed, which are in possession of the respondent as defined herein. Further, "documents" includes any copies of documents which are not identical duplicates of originals, including, but not limited to, all drafts of whatever date and copies with typed or handwritten notations, and any other form of reporting, storing, maintaining or indexing such information, including, without limitation, electronic storage, computer storage, shorthand notes, diagrams, magnetic cards and other forms of storage.

- B. "Relating to" shall refer to documents that contain or refer in any way, directly or indirectly, to or in any legal, logical or factual way, or are in any other way connected with, the subject matter of a paragraph of this Request.
- C. Whenever reference is made to any person or entity by name, such reference shall be deemed to include all of the person's or entity's agents, employees, appointed officials, elected officials and attorneys, and the entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent

companies, and includes present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys.

D. This request shall be deemed continuing so as to require prompt, further and supplemental production if you obtain possession of documents responsive to any request herein.

E. If you assert that any document called for by this request is privileged, you shall provide the following information with respect to each document:

- (1) Its date;
- (2) Its author;
- (3) All addresses of recipients of the original or copies thereof;
- (4) A brief description of its subject matter and physical size; and
- (5) The nature of the privilege claimed.

F. Wherever appropriate herein, the singular form of a word should be interpreted to include the plural, and vice versa.

G. "City" shall refer to the City of West Chicago.

H. If any document requested by this request has been destroyed, mutilated, altered, redacted, or discarded, that document must be identified by stating:

- (1) The name and address of the sender of the document;
- (2) The name and address of the author of the document;
- (3) The name and address of all entities to whom the document was addressed;
- (4) The name and address of all entities to whom a copy of the document was sent;
- (5) The name and address of all entities known to Defendants who had seen the document or participated in communications about the document;
- (6) The job title of each entity listed in (1) through (5) above;
- (7) The name and address of all entities known to Defendants who have received or currently possess a copy of the document;
- (8) The date of the document;
- (9) The date of destruction, alteration, mutilation, redaction, or discard of the document, manner of destruction, alteration, mutilation, redaction, or discard of the document, and reasons for destruction, alteration, mutilation, redaction, or discard of the document;
- (10) A brief description of the nature and subject of the document; and
- (11) The entity authorizing and performing the destruction, alteration, mutilation, redaction, or discard of the document.

- I. If you object to any of the definitions or instructions herein, or to any of these specific requests herein, state in writing each objection and the grounds thereof.
- J. You are requested to produce an affidavit stating whether the production is complete in accordance with this request as provided in Illinois Supreme Court Rule 214.

DOCUMENTS REQUESTED

1. For the time period **from January 1, 2019 to September 16, 2022**, a copy of any and all documents relating to the proposed West DuPage Recycling and Transfer Station, located at 1655 Powis Road, West Chicago, IL, by and between any of the following:
 - a. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any employee or consultant of Lakeshore Recycling, LLC.
 - b. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any member of the public or third party, including but not limited to Pastor Josh Ebener.
2. For the time period **from September 16, 2022 to March 1, 2023**, a copy of any and all documents relating to the proposed West DuPage Recycling and Transfer Station, located at 1655 Powis Road, West Chicago, IL, by and between any of the following:
 - a. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any employee or consultant of Lakeshore Recycling, LLC.
 - b. Any City Council members, City staff, City Department personnel and/or consultants retained by the City and/or any member of the public or third party, including but not limited to Colin Hale.

3. A copy of all documents relating to Lakeshore Recycling, LLC's reimbursement to the City of West Chicago of \$9,109.00 in attorney fees and \$352.91 in costs for the City of West Chicago's failure to comply with the Freedom of Information Act request in cause number 2021 MR 449 and as set forth in the attached exhibit PWC-31.

ANSWER:

4. A copy of all documents relating to Lakeshore Recycling, LLC's communication(s) with Tom Dabareiner in relation to the two letters he prepared dated October 15, 2019 and August 24, 2022 identified at Exhibits PWC-13A and PWC-34 and attached hereto.

ANSWER:

Dated: May 05, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

Ricardo Meza
Meza Law
542 S. Dearborn, 10th Floor
Chicago, IL 60605
(312) 802-0336
rmeza@meza.law

UNITED STATES OF AMERICA

STATE OF ILLINOIS

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

OLGA RIVERA

Plaintiff

-VS-

WEST CHICAGO CITY OF

Defendant

2021MR000449
CASE NUMBER



FILED

21 Oct 06 PM 12: 59

CLERK OF THE
18TH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

ORDER

This matter having come before the Court, the Court having jurisdiction and being fully advised in the premises:

IT IS HEREBY ORDERED as follows:

As a prevailing party under Section 11 of FOIA in regard to the issue of non-technical documents being impermissibly withheld under Section 7(1)(k) of FOIA, the City of West Chicago is ordered to pay the Plaintiff, Olga Rivera, through her law firm, Luetkehans, Brady, Garner & Armstrong, LLC, \$9,109.00 in attorney fees and \$352.91 in costs based on the calculations set forth in the record of proceedings.

Submitted by: JESSICA G. NOSALSKI
Attorney Firm: LUETKEHANS BRADY GARNER & ARMSTRONG LLC
DuPage Attorney Number: 8500
Attorney for: PLAINTIFF
Address: 105 E IRVING PARK ROAD
City/State/Zip: ITASCA, IL, 60143
Phone number: 630-773-8500
Email : jgn@lbgalaw.com

Entered: 10/6/2021

JUDGE PAUL FULLERTON

Validation ID : DP-10062021-1259-38181

Date: 10/06/2021

APPENDIX 2-D

LETTER FROM WEST CHICAGO

CITY OF
WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

October 15, 2019

RE: Residential-zoned property located east of 1655 Powis Road, West Chicago, Illinois

To Whom It May Concern:

The Union Pacific Railroad line runs east of the subject property within Union Pacific Right of Way (ROW). While the ROW is zoned ER, Estate Residential, as an active rail line there can be no residential development within this corridor. Furthermore, there is insufficient room for a legally-sized series of Estate Residential lots including access to those lots. Finally, the ER zoning designation for the corridor is a remnant classification from the time it was annexed to the City of West Chicago.

As such, the City believes Section 22.14(a) 1,000 foot setback requirement is not applicable.

Please contact me if you have any questions.

Sincerely,



Tom Dabareiner AICP

Community Development Director/Zoning Administrator

475 Main Street
West Chicago, Illinois
60185

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www.westchicago.org

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Nancy M. Smith
CITY CLERK

Michael L. Guttman
CITY ADMINISTRATOR

APPENDIX 2-D2

LETTER FROM WEST CHICAGO

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

August 24, 2022

RE: Residential-zoned property located east of 1655 Powis Road, West Chicago, Illinois

To Whom It May Concern:

Both the Union Pacific Railroad and the Canadian National Railroad operate parallel tracks on land running northwest to southeast, east of and adjacent to the subject property. The right-of-way for these rail lines carries a remnant zoning classification of Estate Residential, which is the classification assigned upon annexation. No effort was made to reclassify the property.

As an active rail corridor, there can be no residential development. Furthermore, there is insufficient room to construct homes on one-acre minimum lots and no convenient way to access what would be a narrow string of properties. Residential development on this property is physically impossible.

As such, the City concludes that the 1,000-foot setback requirement in 415 ILCS 5/22.14(a) is not applicable.

Please contact me if you have any questions.

Sincerely,



Tom Dabareiner AICP
Community Development Director and Zoning Administrator

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LAKESHORE RECYCLING SYSTEMS,)	
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**PROTECT WEST CHICAGO’S FIRST SET OF INTERROGATORIES TO
CITY OF WEST CHICAGO**

NOW COMES the Petitioner, Protect West Chicago, (“PWC”), by and through its attorney, Meza Law, and hereby propounds upon Respondent, CITY OF WEST CHICAGO, the following interrogatories to be answered fully in writing and under oath, within 28 days after service hereof. The responses to these Interrogatories shall be prepared in accordance with the "Definitions and Instructions" set forth herein.

DEFINITIONS AND INSTRUCTIONS

- A. Unless otherwise specifically indicated, the period of time encompassed by these Interrogatories is January 1, 2020 to the present.

- B. The term "person" includes any individual, corporation, unit of government, trust, and any other collective organization or entity unless the context clearly indicates reference only to an individual person.
- C. Whenever reference is made to any person or entity by name, such reference shall be deemed to include all of the person's or entity's agents, employees, appointed officials, elected officials and attorneys, and the entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent companies, and includes present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys.
- D. The term "relating to" means referring to, reflecting, and/or pertaining in any way, directly or indirectly, to or in any legal, logical or factual way connected with the matter discussed, and includes any documents used in the preparation of any document called for by each paragraph of these interrogatories.
- E. The term "communication" includes all discussions, text messages, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents and records of communication, the identity of person(s) to whom and by whom it was made, the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.
- F. As used herein, "and" as well as "or" should be considered either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside of their scope.

- G. Wherever appropriate herein, the singular form of a word should be interpreted to include the plural, and vice versa.
- H. As used herein, the word "identify" when used in connection with a verbal communication shall mean to state the following:
1. The date of that communication;
 2. Identify the persons who were parties to that communication;
 3. Identify the persons who were witnesses (other than the parties) to the communication;
 4. State whether that communication was face-to-face and/or over the telephone, and if face-to-face, describe the location of that communication; and
 5. Identify any documents which pertain to that communication.
- I. As used herein, the word "identify" when used in reference to a natural person (i.e., human being) means to state:
1. The person's full name;
 2. Present (or last known) address;
 3. Present (or last known) occupation or position; and
 4. Name of his present (or last known) employer.
- J. The word "identify" when used in reference to a person other than an individual, means to state:
1. Its full name;
 2. Its present (or last known) address; and
 3. Its present (or last known) telephone number.
- K. The word "identify" when used in reference to a document, means to state:
1. Its date;
 2. Its subject and its substance;
 3. Its author
 4. Its recipients; and
 5. The type of documents (e.g., letter memorandum, telegram, chart, computer input or print-out, photographer, sound reproduction, etc.
- L. If you object to any of the definitions or instructions herein, or to any of the interrogatories herein, state in writing each objection and the grounds thereof.

INTERROGATORIES

1. Identify all persons who attended the City of West Chicago City Council closed/executive session held on February 27, 2023.

ANSWER:

2. State the time the City of West Chicago City Council closed/executive session started and ended on February 27, 2023.

ANSWER:

3. Identify all non-City of West Chicago City Council members who spoke at or otherwise participated or communicated in the February 27, 2023 closed meeting/session.

ANSWER:

4. Identify all documents shown to the City of West Chicago City Council members or documents otherwise referred to during or at the February 27, 2023 closed/executive session.

ANSWER:

5. Identify the person(s) who drafted or otherwise participated in the formation of City of West Chicago Ordinance No. 23-O-0006 and the date(s) when he/she drafted the Ordinance.

ANSWER:

6. State what edits, if any, were made to City of West Chicago Ordinance No. 23-O-0006 and the basis (reasons) for the requested edits prior to the time the City of West Chicago City Council members signed Ordinance No. 23-O-0006 on February 28, 2023.

ANSWER:

7. If there were any edits made to the City of West Chicago Ordinance No. 23-O-006 (referenced in interrogatory No. 6 above) please provide the dates and times of those requested edits as well as the person(s) who so requested the edits.

ANSWER:

8. State whether Ordinance No. 23-0-0006 was shared with anyone (either in draft or final form/version) prior to the February 27, 2023 closed/executive session.

ANSWER:

9. If the answer to Interrogatory No. 8 is in the affirmative, set forth the date and person with whom Ordinance 23-O-006 was shared.

ANSWER:

10. State whether Lakeshore Recycling, LLC reimbursed the City of West Chicago \$9,109.00 in attorney fees and \$352.91 in costs for the City of West Chicago's failure to comply with the Freedom of Information Act request in cause number 2021 MR 449 and as set forth in the attached exhibit PWC-31.

ANSWER:

11. State what if any action the City of West Chicago took to obtain Spanish-Language interpreters either prior to the start of the public Siting Hearings in January 2023 or after Mr. Steve De La Rosa publicly informed the City of West Chicago, during the siting hearing that there was "no Spanish language translation here for people from the community in a minority-majority community that have an interest in this along with the rest of the people of West Chicago." *See* Siting Hearing Transcript at p. 939.

ANSWER:

12. State what if any action the City of West Chicago took to translate Lakeshore Recycling LLC's September 16, 2022 Siting Application materials from English to Spanish.

ANSWER:

13. Identify all person(s) who communicated with Tom Dabareiner in relation to the two letters he prepared dated October 15, 2019 and August 24, 2022 identified at Exhibits PWC-13A and PWC-34 and attached hereto, as well as the date(s) of such communications.

ANSWER:

Dated: May 05, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

Ricardo Meza
Meza Law
542 S. Dearborn, 10th Floor
Chicago, IL 60605
(312) 802-0336
rmeza@meza.law

UNITED STATES OF AMERICA

STATE OF ILLINOIS

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

OLGA RIVERA

Plaintiff

-VS-

WEST CHICAGO CITY OF

Defendant

2021MR000449
CASE NUMBER



FILED

21 Oct 06 PM 12: 59

CLERK OF THE
18TH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

ORDER

This matter having come before the Court, the Court having jurisdiction and being fully advised in the premises:

IT IS HEREBY ORDERED as follows:

As a prevailing party under Section 11 of FOIA in regard to the issue of non-technical documents being impermissibly withheld under Section 7(1)(k) of FOIA, the City of West Chicago is ordered to pay the Plaintiff, Olga Rivera, through her law firm, Luetkehans, Brady, Garner & Armstrong, LLC, \$9,109.00 in attorney fees and \$352.91 in costs based on the calculations set forth in the record of proceedings.

Submitted by: JESSICA G. NOSALSKI
Attorney Firm: LUETKEHANS BRADY GARNER & ARMSTRONG LLC
DuPage Attorney Number: 8500
Attorney for: PLAINTIFF
Address: 105 E IRVING PARK ROAD
City/State/Zip: ITASCA, IL, 60143
Phone number: 630-773-8500
Email : jgn@lbgalaw.com

Entered: 10/6/2021

JUDGE PAUL FULLERTON

Validation ID : DP-10062021-1259-38181

Date: 10/06/2021

APPENDIX 2-D

LETTER FROM WEST CHICAGO

CITY OF
WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

October 15, 2019

RE: Residential-zoned property located east of 1655 Powis Road, West Chicago, Illinois

To Whom It May Concern:

The Union Pacific Railroad line runs east of the subject property within Union Pacific Right of Way (ROW). While the ROW is zoned ER, Estate Residential, as an active rail line there can be no residential development within this corridor. Furthermore, there is insufficient room for a legally-sized series of Estate Residential lots including access to those lots. Finally, the ER zoning designation for the corridor is a remnant classification from the time it was annexed to the City of West Chicago.

As such, the City believes Section 22.14(a) 1,000 foot setback requirement is not applicable.

Please contact me if you have any questions.

Sincerely,



Tom Dabareiner AICP

Community Development Director/Zoning Administrator

475 Main Street
West Chicago, Illinois
60185

T (630) 293-2200
F (630) 293-3028
www.westchicago.org

Ruben Pineda
MAYOR

Nancy M. Smith
CITY CLERK

Michael L. Guttman
CITY ADMINISTRATOR

APPENDIX 2-D2

LETTER FROM WEST CHICAGO

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

August 24, 2022

RE: Residential-zoned property located east of 1655 Powis Road, West Chicago, Illinois

To Whom It May Concern:

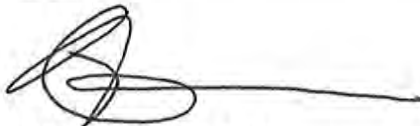
Both the Union Pacific Railroad and the Canadian National Railroad operate parallel tracks on land running northwest to southeast, east of and adjacent to the subject property. The right-of-way for these rail lines carries a remnant zoning classification of Estate Residential, which is the classification assigned upon annexation. No effort was made to reclassify the property.

As an active rail corridor, there can be no residential development. Furthermore, there is insufficient room to construct homes on one-acre minimum lots and no convenient way to access what would be a narrow string of properties. Residential development on this property is physically impossible.

As such, the City concludes that the 1,000-foot setback requirement in 415 ILCS 5/22.14(a) is not applicable.

Please contact me if you have any questions.

Sincerely,



Tom Dabareiner AICP
Community Development Director and Zoning Administrator

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