

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

Paul Christian Pratapas	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 2023-014
	)	(Enforcement)
Horizon Construction Group, Inc.	)	
	)	
Respondent.	)	

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**RESPONDENT'S STATEMENT ON WITNESS DISCLOSURES**

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Respondent Horizon Construction Group, by its undersigned counsel, provides the following Statement on Witness Disclosures, as follows:

1. The Scheduling Order approved by the Board on February 24, 2023, started the beginning of Fact Discovery on February 27, 2023, and required the Complainant, Mr. Pratapas, to disclose his Fact Witnesses, Experts, and submit Expert Reports within 30 days after the start of fact discovery. That deadline was March 27, 2023. The Complainant has totally disregarded this requirement and still has not disclosed any witnesses, lay or expert, and has not filed expert reports.
2. The Scheduling Order gave the Respondent 90 days after the Complainant's Disclosure of Fact Witnesses and Experts to complete depositions of Fact Witnesses and Experts. That deadline was June 12, 2023. We write to advise the Board that because the Complainant has defaulted on its obligation to disclose witnesses, it is impossible for the Respondent to complete depositions of Fact Witnesses and Experts.
3. The Scheduling Order gave the Respondent 45 days after the Deposition of the Complainant's Experts to make its own witness disclosures. That deadline was July 27, 2023. We write to advise the Board that because the Complainant has defaulted in its obligation to disclose witnesses, it is also impossible for the Respondent to name its own witnesses.

4. Mr. Pratapas' sustained pattern of ignoring and not participating in telephonic status conferences before the Hearing Officer, his failures to acknowledge, let alone comply with filing deadlines prompted the Respondent to file its Motion to Dismiss on June 21, 2023, and a Reply Memorandum in Support of the Motion for Dismissal for Want of Prosecution on July 21, 2023.
5. Because Mr. Pratapas never filed witness disclosures, the 45-day period for Respondent to file its own witness disclosures has never started to run. We wanted to be sure the Board was aware of the Complainant's default, which explains why the Respondent has been unable to file its own witness disclosures.

Dated this 27th day of July 2023.

Respectfully submitted,

HUSCH BLACKWELL LLP



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