

MAR 13 2003

THE CITY OF KANKAKEE, an Illinois )  
Municipal Corporation, )  
) )  
Plaintiff, )  
) )  
vs. )  
) )  
COUNTY OF KANKAKEE, a body politic and )  
corporate; KANKAKEE COUNTY BOARD; and )  
WASTE MANAGEMENT OF ILLINOIS, INC., )  
) )  
Defendants. )

STATE OF ILLINOIS  
Pollution Control Board

NO. PCB 03-125

PETITIONER CITY OF KANKAKEE'S DOCUMENT REQUESTS

NOW COMES Petitioner, CITY OF KANKAKEE, an Illinois Municipal Corporation, by and through its attorneys, L. Patrick Power and Kenneth A. Leshen, Assistant City Attorneys, pursuant to the Rules of the Illinois Pollution Control Board, and submits the following Document Requests to the Respondent, WASTE MANAGEMENT OF ILLINOIS, INC. (hereinafter, "WMII").

DEFINITIONS

A. "WMII" refers to Waste Management of Illinois, Inc., and its agents, directors, officers, employees, representatives, attorneys, and all persons or entities who have acted or purported to act on its behalf.

B. "County of Kankakee" refers to the County of Kankakee and the Kankakee County Board and their respective agents, employees, attorneys, and all persons or entities who have acted or purported to act on their respective behalves.

C. "Communication" means, without limiting the generality of its meaning, any form of communication between two or more persons, including, but not limited to, correspondence, e-mails, conversations, phone calls, reports, documents, and memoranda.

D. "Landfill Siting Application" means WMII's Application with the Kankakee County Board seeking approval for a new regional pollution control facility immediately adjacent to its existing landfill located in Kankakee County, Illinois, which is the subject of this matter.

E. "Document" means, without limiting the generality of its meaning, writings, papers, or tangible things of any kind and nature whatsoever in the possession or subject to the control of the Respondent, its agents, experts, witnesses, employees or attorneys, including letters, handwritten notes, calendar pads, appointment books, notepads, notebooks, correspondence of any kind, postcards, memorandum, telegrams, telexes, e-mails, internal communications of any kind, annual or other reports, financial statements, billing statements, payment authorizations, canceled checks, books, records, ledgers, journals, minutes of all meetings, contracts, agreements, appraisals, analysis, charts, graphs, bulletins, speeches, reports, data sheets, data tapes, or readable computer interpretations thereof, computer programs, software or any medium containing computer programs, circulars, pamphlets, notices, statements, stenographic notes, surveys, microfilm, microfiche, tape and disk recordings, photostats, photographs, drawings, transparencies, overlays, periodicals, sketches, illustrations, blueprints, plans, and personal interviews, wherever located, including non-final drafts or earlier versions and non-identical copies of any of the above, and all compilations of the foregoing, including binders, notebooks, folders and files.

F. "Facility" shall refer to the proposed landfill which is the subject of the application filed by WMII with the County of Kankakee.

G. "Refer or relate" means anything which directly or indirectly concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, or refers to in any way, or was used in the preparation of, appended to, legally, logically, or factually connected with, proves, disproves, or tends to prove or disprove.

H. The singular and plural form shall be construed interchangeably so as to bring within the scope of these requests any documents which might otherwise be construed outside their scope.

I. The words "and" and "or" shall be construed conjunctively and disjunctively as necessary to bring within this document request all information that might otherwise be construed as outside their scope.

#### INSTRUCTIONS

1. *Continuing Responses.* This document request shall be deemed to be continuing in nature and if, after serving your responses, additional information becomes known or available to you that is responsive to this document request, then you are required to reasonably supplement or amend your responses.

2. *Work Product or Privileges.* With respect to each document, oral statement, or communication which you claim is privileged or subject to the work product doctrine, identify the document, statement or communications to the fullest extent, including the date, maker, and recipient, the general subject matter, and the basis of the claim of privilege or work product.

In accordance with the foregoing definitions and instructions, please produce the following:

## DOCUMENT REQUESTS

1. Identify and produce any and all documents, letters, communications or memoranda prepared by WMII that relate or refer to the planning, development or siting of the Facility. Please identify which of these documents, letters, communications or memoranda were provided to the County of Kankakee and when they were provided.

2. Identify and produce any documents, letter, communications or memoranda prepared by WMII that relate or refer to the Solid Waste Management Plan of the County of Kankakee. Please identify which of these documents, letters, communications or memoranda were provided to the County of Kankakee and when they were provided.

3. All reports, correspondence, and other documents received by WMII (including, but not limited to, its consultants, attorneys and experts) from the County of Kankakee (including, but not limited to, its consultants, attorneys and experts) regarding the planning, development, and siting of the Facility and when they were provided.

4. All notes, minutes, and other documents of all phone calls and meetings between WMII and the County of Kankakee, the Kankakee County Board, or their agents relating to the planning, development, and siting of the Facility.

5. Any and all records or documents referring or relating to billing by the firm of Hinshaw and Culbertson to any entity whatsoever relating or referring to the planning or siting of the Facility or to the drafting, construction or interpretation of the Solid Waster Management Plan of the County of Kankakee.

6. All correspondence, contracts or other communications between each opinion witness or other witness and WMII, (including, but not

limited to, its consultants, attorneys and experts) in connection with the subject matter of this action.

7. All demonstrative exhibits which WMII or its agents may offer or use at hearing.

8. All exhibits which WMII, or its agents may offer into evidence or otherwise use at hearing including, but not limited to, documents, summaries, objects, charts, and other items.

9. All transcripts, statements, articles, writings or other documents or tangible items which WMII or its agents may use at hearing in direct or cross-examination of any witness.

10. All releases, covenants or other agreements, promises or understandings (including any document reflecting or referring to the same) with respect to the subject matter of this action, which is not contained in the Landfill Siting Application nor admitted into evidence at the Kankakee County Board hearing on the Application.

11. Any and all documents or things set forth or referred to in Respondent's answers to interrogatories propounded by Petitioner or identified in response to said interrogatories, or which Respondent or Respondent's counsel consulted in preparation of said answers.

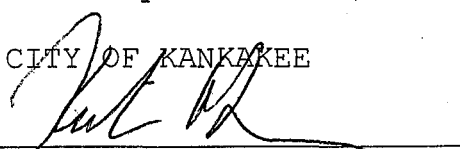
12. It is further requested that each party and/or his or its attorney in compliance with this request for production shall furnish an Affidavit stating whether the production is complete.

DATED: March 7, 2003.

Respectfully submitted,

THE CITY OF KANKAKEE

BY:

  
Kenneth A. Leshen  
One of Its Attorneys

PREPARED BY:

L. Patrick Power  
Assistant City Attorney  
956 North Fifth Avenue  
Kankakee, IL 60901  
815/937-6937

Kenneth A. Leshen  
Assistant City Attorney  
One Dearborn Square, Suite 550  
Kankakee, IL 60901  
815/933-3385

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on March 7, 2003, a copy of the foregoing Petitioner City of Kankakee's Interrogatories was served upon:

Karl Kruse, Chairman  
Kankakee County Board  
189 East Court Street  
Kankakee, IL 60901

Donald J. Moran  
Attorney at Law  
161 North Clark, Suite 3100  
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Charles F. Helsten, Esq.  
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P. O. Box 1389  
Rockford, IL 61105-1389

Bruce Clark  
Kankakee County Clerk  
189 East Court Street  
Kankakee, IL 60901

Edward D. Smith, State's Attorney  
c/o Brenda Gorski, Asst. SA  
189 East Court Street  
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Attorney at Law  
501 State Street  
Ottawa, IL 61350

Keith Runyon  
1165 Plum Creek Drive  
Bourbonnais, IL 60914

by depositing a copy thereof, enclosed in an envelope in the United States Mail at Kankakee, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.

Paul G. Jauer

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of March, 2003.

Nicole Paige Gray  
Notary Public



L. Patrick Power  
Assistant City Attorney  
956 North Fifth Avenue  
Kankakee, IL 60901  
815/937-6937

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