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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

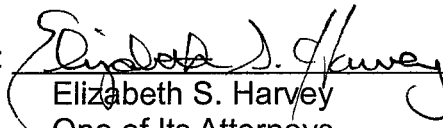
CITY OF KANKAKEE,)	
	)	PCB 03-125
Petitioner,	)	PCB 03-133
	)	PCB 03-134
v.	)	PCB 03-135
	)	(consolidated)
COUNTY OF KANKAKEE, COUNTY	)	(Pollution Control Facility Siting Appeals)
BOARD OF KANKAKEE, and WASTE)	
MANAGEMENT OF ILLINOIS, INC.)	
)	
Respondents.)	

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 30th day of April 2003, the following County's **Motion to Quash Notice to Produce Ester Fox** was filed with the Illinois Pollution Control Board, attached and herewith served upon you.

COUNTY OF KANKAKEE and
COUNTY BOARD OF KANKAKEE

By: 
Elizabeth S. Harvey
One of Its Attorneys

Elizabeth S. Harvey
SWANSON, MARTIN & BELL
One IBM Plaza, Suite 2900
330 North Wabash Avenue
Chicago, Illinois 60611
Telephone: (312) 321-9100
Firm I.D. No. 29558

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the described document in the above-captioned matter via messenger to the hearing officer and via facsimile/U.S. Mail to all persons listed on the service list on April 30, 2003.



Jeanette M. Podlin

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

SERVICE LIST
KANKAKEE COUNTY/WMII LANDFILL SITING

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Charles F. Helsten
Richard Porter
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105

Kenneth A. Leshen
One Dearborn Square
Suite 550
Kankakee, IL 60901

Donald Moran
Pedersen & Houpt
161 North Clark Street
Suite 3100
Chicago, IL 60601-3242

George Mueller
George Mueller, P.C.
501 State Street
Ottawa, IL 61350

L. Patrick Power
956 North Fifth Avenue
Kankakee, IL 60901

Jennifer J. Sackett Pohlenz
Querry & Harrow, Ltd.
175 West Jackson Boulevard
Suite 1600
Chicago, IL 60604

Keith Runyon
165 Plum Creek Drive
Bourbonnais, IL 60914

Kenneth A. Bleyer
Attorney at Law
923 West Gordon Terrace, #3
Chicago, IL 60613-2013

Leland Milk
6903 S. Route 45-52
Chebanse, IL 60922-5153

Patricia O'Dell
1242 Arrowhead Drive
Bourbonnais, IL 60914

ILLINOIS POLLUTION CONTROL BOARD

CITY OF KANKAKEE,)	
	)	PCB 03-125
Petitioner,	)	PCB 03-133
	)	PCB 03-134
v.	)	PCB 03-135
	)	(consolidated)
COUNTY OF KANKAKEE, COUNTY	)	(Pollution Control Facility Siting Appeals)
BOARD OF KANKAKEE, and WASTE)	
MANAGEMENT OF ILLINOIS, INC.)	
)	
Respondents.)	

MOTION TO QUASH NOTICE TO PRODUCE ESTER FOX

Respondent COUNTY BOARD OF KANKAKEE ("County"), by its attorneys Hinshaw & Culbertson and Swanson, Martin & Bell, hereby move the hearing officer to quash the notice to produce Ester Fox at the Board hearing in this matter.

1. On April 29, 2003, Mr. Karlock's attorney faxed a "notice to produce at time of hearing" to the County's attorneys. That notice requested that the County produce Ester Fox, among other persons, at the Board hearing in this matter. (See Exhibit A.)
2. The Board hearing begins on Monday, May 5, 2003, and is scheduled to continue (if needed) through Friday, May 9, 2003.
3. Ms. Fox, who is the Chief Deputy Clerk of Kankakee County, cannot attend the hearing next week. She will be out of state on a long-planned trip from May 2, 2003 through May 10, 2003. (See Exhibit B.)
4. Neither Mr. Karlock nor any other petitioner had previously given notice that they would seek to call Ms. Fox at hearing, nor did any petitioner seek to depose Ms. Fox. It is unfair and unreasonable for petitioners to attempt to interfere with Ms. Fox's long-planned trip, less than three days before Ms. Fox leaves, and less

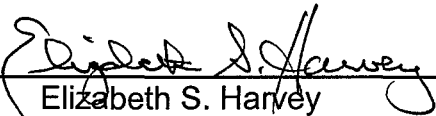
than a week before hearing. Petitioners have sat on their hands regarding Ms. Fox's testimony in this matter.

5. Additionally, the County believes that Mr. Karlock's attorney seeks to examine Ms. Fox on his visit to the Clerk's Office to review the siting application prior to hearing. Ms. Fox remembers very little of that visit, and has set forth all of her recollections on the matter in the attached affidavit. Thus, petitioners will suffer no prejudice by Ms. Fox's unavailability.

WHEREFORE, the County moves that the hearing officer quash the notice to produce, as to Ms. Fox, and for such other relief as the hearing officer deems appropriate.

Respectfully submitted,

COUNTY OF KANKAKEE and
COUNTY BOARD OF KANKAKEE

By: 
Elizabeth S. Harvey
One of Its Attorneys

Charles F. Helsten
Richard Porter
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815/490-4900

Elizabeth S. Harvey
Swanson, Martin & Bell
One IBM Plaza, Suite 2900
330 North Wabash Avenue
Chicago, IL 60611
312/321-9100

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF KANKAKEE,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE,)
COUNTY BOARD OF KANKAKEE,)
and WASTE MANAGEMENT OF)
ILLINOIS, INC.)
Respondents.)

PCB 03-125
(Third-Party Pollution Control Facility
Siting Appeal)

MERLIN KARLOCK,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.)
Respondents.)

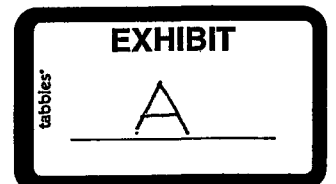
PCB 03-133
(Third-Party Pollution Control Facility
Siting Appeal)

MICHAEL WATSON,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.)
Respondents.)

PCB 03-134
(Third-Party Pollution Control Facility
Siting Appeal)

KEITH RUNYON,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.)
Respondents.)

PCB 03-135
(Third-Party Pollution Control Facility
Siting Appeal)

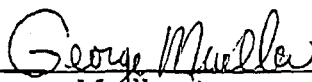


NOTICE TO PRODUCE AT TIME OF HEARING

**TO: COUNTY OF KANAKEE
c/o Attorney Charles Helsten
P.O. Box 1389
Rockford, IL 61105-1389**

Now comes **Merlin Karlock**, by and through his Attorney, **George Mueller, P.C.**, and pursuant to Illinois Pollution Control Board Rule 101.616 and 101.624, Illinois Supreme Court Rule 237 and Section 2-1102 of the Illinois Code of Civil Procedure, hereby requests The County Of Kankakee, Illinois to produce the following persons at the hearing in the instant matter beginning on May 5, 2003 at 1:00 p.m. at City Hall, City Council Chambers, 385 E. Oak St., Kankakee, Illinois:

Brenda Gorski
Esther Fox
Bruce Clark
Charles Helsten
Ed Smith, the duly elected State's Attorney of Kankakee County
Elizabeth Harvey



George Mueller, Attorney at Law

GEORGE MUELLER, P.C.
Attorney at Law
501 State Street
Ottawa, IL 61350
Phone: (815) 433-4705
Fax: (815) 433-4913

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF KANKAKEE,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE,)
COUNTY BOARD OF KANKAKEE,)
and WASTE MANAGEMENT OF)
ILLINOIS, INC.)
Respondents.)

PCB 03-125
(Third-Party Pollution Control Facility
Siting Appeal)

MERLIN KARLOCK,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.)
Respondents.)

PCB 03-133
(Third-Party Pollution Control Facility
Siting Appeal)

MICHAEL WATSON,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.)
Respondents.)

PCB 03-134
(Third-Party Pollution Control Facility
Siting Appeal)

KEITH RUNYON,)
Petitioner,)
vs.)
COUNTY OF KANKAKEE, COUNTY)
BOARD OF KANKAKEE, and WASTE)
MANAGEMENT OF ILLINOIS, INC.)
Respondents.)

PCB 03-135
(Third-Party Pollution Control Facility
Siting Appeal)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on April 29, 2003 there caused to be filed via U.S. Mail with the Illinois Pollution Control Board an original and a copy of the following document, a copy of which is attached hereto:

**Notice To Produce At Time Of Hearing
(Directed To County of Kankakee)**

BY: George Mueller
Attorney for Merlin Karlock

PROOF OF SERVICE

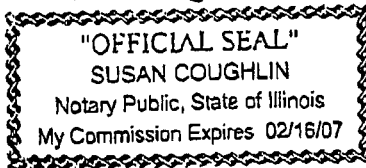
STATE OF ILLINOIS)
)SS.
COUNTY OF LASALLE)

The undersigned, being first duly sworn, state that I served a true and correct copy of the foregoing Notice, together with a copy of each document referred to therein, upon the person(s) indicated at their address(es) indicated in the Service List via facsimile (if applicable) and by mailing the same in Ottawa, IL before the hour of 5:00 p.m. on the 29th Day of April, 2003.

Dawn Wheeler

SUBSCRIBED and SWORN TO Before Me This 29th Day of April, 2003.

Susan Coughlin
Notary Public



GEORGE MUELLER, P.C.
Attorney at Law
501 State Street
Ottawa, IL 61350
Phone: (815) 433-4705
Fax: (815) 433-4913

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing document were mailed, first class, to each of the following on April 29, 2003:

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601
Fax: (312) 814-3669

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

Richard S. Porter
Charles F. Helsten
Hinshaw & Culbertson
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Rockford, IL 61105-1389
Fax: (815) 490-4901

Leland Milk
6903 S. Route 45-52
Chebanse, IL 60922

Keith Runyon
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Bourbonnais, IL 60914
Fax: (815) 937-9164

Donald J. Moran
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Chicago, IL 60601-3224
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Elizabeth S. Harvey
Swanson, Martin & Bell
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Chicago, IL 60611
Fax: (312) 321-0990

Jennifer J. Sackett Pohlenz
175 W. Jackson Blvd.
Suite 1600
Chicago, IL 60604
Fax: (312) 540-0578

Karl Krause, Chairman
Bruce Clark, Kankakee County Clerk
Kankakee County Board
189 Court St.
Kankakee, IL 60901

Kenneth A. Bleyer
923 W. Gordon Terrace, #3
Chicago, IL 60613-2013

Edward Smith
Kankakee County State's Attorney
450 East Court St.
Kankakee, IL 60901

Patricia O'Dell
1242 Arrowhead Drive
Bourbonnais, IL 60914

L. Patrick Power
956 North Fifth Avenue
Kankakee, IL 60901
Fax: (815) 937-0056

Kenneth A. Leshen
One Dearborn Square, Suite 550
Kankakee, IL 60901
Fax: (815) 933-3397

AFFIDAVIT OF ESTER FOX

I, Ester Fox, being over the age of 21 and having been sworn, hereby states the following, based on personal knowledge:

1. I am the Chief Deputy Clerk, Kanekee County, Illinois. As part of my job responsibilities, I assisted persons who came to the Clerk's Office, inquiring about the siting application filed by Waste Management of Illinois, Inc.
2. I have some recollection of Mr. George Mueller, attorney for Mr. Karlock, visiting the Clerk's Office prior to the beginning of the local hearings on the application. I do not remember the date of that visit.
3. Mr. Mueller asked to see everything filed as part of the siting application. I showed him everything of which I was aware.
4. Much later, on or about the first day of the County's hearings on the application (November 18, 2002), I learned that WMII had filed its operating record with the Clerk's office as part of its application. I was unaware of the existence of that operating record when Mr. Mueller visited the Clerk's Office.
5. I did not purposefully fail to show Mr. Mueller any portion of the application, but showed him everything of which I was aware. I do not remember any subsequent contact or inquiry to the Clerk's Office (after his visit to the Clerk's Office) by Mr. Mueller regarding the siting application, or any portion thereof.
6. From May 2 through May 10, 2003, I will be out of state on a long-planned trip, and am unable to appear at the hearings set for May 5 though 9, 2003.
7. I am competent to testify to the above.

Further affiant sayeth naught.

Ester Fox
Ester Fox

Sworn to before me this
30th day of April, 2003.

Sharon R. Geiger

