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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NOV 08 2004

MORTON F. DOROTHY,

Complainant,

v.

FLEX-N-GATE CORPORATION,

an Illinois corporation,

Respondent.

STATE OF ILLINOIS  
Pollution Control Board

PCB No. 05-49

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
**(VIA FIRST CLASS MAIL)**

Mr. Morton F. Dorothy  
804 East Main  
Urbana, Illinois 61802  
**(VIA FIRST CLASS MAIL)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **SUBSTITUTION OF AFFIDAVITS**, a copy of which is herewith served upon you.

Respectfully submitted,

FLEX-N-GATE CORPORATION,  
Respondent,

Dated: November 3, 2004

By: 

One of Its Attorneys

Thomas G. Safley  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

**CERTIFICATE OF SERVICE**

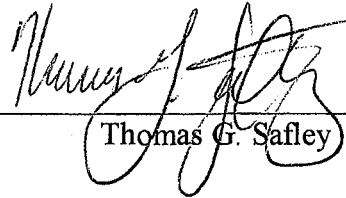
I, Thomas G. Safley, the undersigned, certify that I have served the attached

SUBSTITUTION OF AFFIDAVITS upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Mr. Morton F. Dorothy  
804 East Main  
Urbana, Illinois 61802

by depositing said documents in the United States Mail in Springfield, Illinois, postage prepaid, on November 3, 2004.

  
\_\_\_\_\_  
Thomas G. Safley

GWST:003/Fil/NOF and COS -- Substitution

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MORTON F. DOROTHY,

Complainant,

v.

FLEX-N-GATE CORPORATION,  
an Illinois corporation,

Respondent.

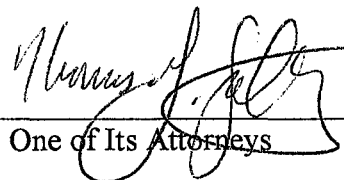
PCB 05-49

**SUBSTITUTION OF AFFIDAVITS**

NOW COMES Respondent, FLEX-N-GATE CORPORATION ("Flex-N-Gate"),  
by and through its attorneys, HODGE DWYER ZEMAN, and files the attached original  
Affidavit of Susan Linville and original Affidavit of Denny Corbett to replace the  
facsimile copies of said Affidavits that were attached as Exhibits to Flex-N-Gate's  
Response to Complainant's Motion to Accept for Hearing and for Expedited Discovery.

Respectfully submitted,

FLEX-N-GATE CORPORATION  
Respondent,

By:   
One of Its Attorneys

Dated: November 3, 2004

Thomas G. Safley  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

GWST:003/Fil/Substitution of Affidavits

NOV 08 2004

STATE OF ILLINOIS )  
Pollution Control Board )  
MORTON F. DOROTHY, )

Complainant,

V.

**FLEX-N-GATE CORPORATION,**  
an Illinois corporation,

**Respondent.**

PCB 05-49

Susan Linville, being first duly sworn, deposes and states under oath, and if sworn as a witness, would testify, as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. I currently am employed as Corporate Benefits Manager for Flex-N-Gate Corporation ("Flex-N-Gate").
3. I previously was employed as Human Resources Manager for Flex-N-Gate.
4. Morton F. Dorothy is a former employee of Flex-N-Gate's facility in Urbana, Illinois.

5. Before September 8, 2004, Mr. Dorothy asked Flex-N-Gate to rehire him,  
and Flex-N-Gate declined to do so.

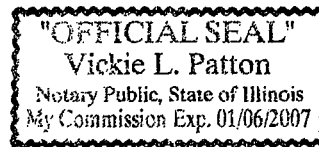
*Under penalties as provided by law pursuant to Section 1-109  
of the Code of Civil Procedure, the undersigned certifies  
that the statements set forth in this instrument are true  
and correct, except as to matters therein stated to be on  
information and belief and as to such matters the  
undersigned certifies as aforesaid that he verily believes  
the same to be true.*

FURTHER AFFIANT SAYETH NOT.

*Susan Linville*  
Susan Linville

Subscribed and sworn to before  
me this 1 day of November, 2004.

*Vickie L. Patton*  
Notary Public



GWST:003/Fil/Affidavit of Susan Linville

NOV 08 2004

NOV 1964  
MORTON E. DOROT

MORTON E. DORR  
Pollution Control Board

Complainant,

v.

PCB 05-49

FLEX-N-GATE CORPORATION,  
an Illinois corporation,

Respondent.

Denny Corbett, being first duly sworn, deposes and states under oath, and if sworn as a witness, would testify, as follows:

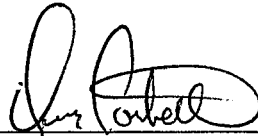
1. I have personal knowledge of the matters set forth in this affidavit.
2. I am employed as Urbana Safety Manager for Flex-N-Gate Corporation (“Flex-N-Gate”).
3. I have reviewed Complainant’s Motion to Accept for Hearing and for Expedited Discovery in this matter, and make the following statements in response thereto.
4. As Urbana Safety Manager for Flex-N-Gate, I have made or otherwise been involved in communications with the federal Occupational Safety and Health Administration (“OSHA”) with regard to the incident at issue in this matter.
5. Flex-N-Gate specifically denies that it has made false statements to OSHA, as Complainant alleges in his Motion to Accept for Hearing and for Expedited Discovery.
6. Flex-N-Gate takes Complainant’s lawsuit, and Flex-N-Gate’s obligation to preserve documents related to Complainant’s allegations in that lawsuit, very seriously, and

Flex-N-Gate denies that it would, in any circumstance, alter or destroy documents as

Complainant alleges in his Motion to Accept for Hearing and for Expedited Discovery.

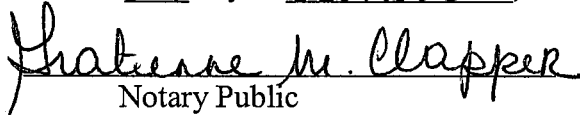
*Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.*

FURTHER AFFIANT SAYETH NOT.



Denny Corbett

Subscribed and sworn to before  
me this 29 day of October, 2004.

  
Notary Public

