394/SVA MBJ Atty. No. 6208987

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS by LISA MADIGAN, Attorney General of the State of Illinois	)	
Complainant,	)	
V.	)	**PCB 96-98**
SKOKIE VALLEY ASPHALT CO., INC., an Illinois Corporation, EDWIN L. FREDERICK, JR., Individually and as Owner and President of Skokie Valley Asphalt Co., Inc., and RICHARD J. FREDERICK, Individually and as Owner and Vice President of Skokie Valley Asphalt Co., Inc.	)	
Respondents.	)	

RESPONSE OF THE RESPONDENT, RICHARD J. FREDERICK TO THE COMPLAINANT'S DOCUMENT REQUEST TO RESPONDENTS REGARDING COMPLAINANT'S FEE PETITION

NOW COMES the Respondent, RICHARD J. FREDERICK, by his attorneys, David O'Neill, P.C. and Michael B. Jawgiel, P.C., and in response to the Complainant's Document Request to the Respondent regarding Complainant's Fee Petition, states as follows:

1. A daily accounting of all hours, as well as the corresponding activity performed, for each attorney that has provide legal services to Respondents related to this case, regardless of whether all such hours and activities were actually billed to Respondents.

Answer: Objection. This interrogatory is not calculated to be to admissible evidence at the time of the hearing. Furthermore, this interrogatory asks for irrelevant information and violates the attorney-client privilege between the Respondent and the Respondent's attorneys. The attorneys for the Respondent has not placed his or, in the case of Skokie Valley Asphalt Company, Inc., its attorney's fees at issue nor has the Respondent placed his or, in the case of Skokie Valley Asphalt Company, Inc., its expenses at issue in this matter.

2. All time records for each attorney that has provided legal services to Respondents related to this case.

Answer: Objection. This interrogatory is not calculated to be to admissible evidence at the time of the hearing. Furthermore, this interrogatory asks for irrelevant information and violates the attorney-client privilege between the Respondent and the Respondent's attorneys. The attorneys for the Respondent has not placed his or, in the case of Skokie Valley Asphalt Company, Inc., its attorney's fees at issue nor has the Respondent placed his or, in the case of Skokie Valley Asphalt Company, Inc., its expenses at issue in this matter.

3. A daily accounting of all costs incurred by each attorney that has provided legal services to Respondents related to this case, regardless of whether all such costs were actually billed to Respondents.

Answer: Objection. This interrogatory is not calculated to be to admissible evidence at the time of the hearing. Furthermore, this interrogatory asks for irrelevant information and violates the attorney-client privilege between the Respondent and the Respondent's attorneys. The attorneys for the Respondent has not placed his or, in the case of Skokie Valley Asphalt Company, Inc., its attorney's fees at issue nor has the Respondent placed his or, in the case of Skokie Valley Asphalt Company, Inc., its expenses at issue in this matter.

4. All invoices for attorney's fees from Respondents' attorneys related to this case.

Answer: Objection. This interrogatory is not calculated to be to admissible evidence at the time of the hearing. Furthermore, this interrogatory asks for irrelevant information and violates the attorney-client privilege between the Respondent and the Respondent's attorneys. The attorneys for the Respondent has not placed his or, in the case of Skokie Valley Asphalt Company, Inc., its attorney's fees at issue nor has the Respondent placed his or, in the case of Skokie Valley Asphalt Company, Inc., its expenses at issue in this matter.

5. All invoices for costs incurred by each of Respondents' attorneys related to this case.

Answer: Objection. This interrogatory is not calculated to be to admissible evidence at the time of the hearing. Furthermore, this interrogatory asks for irrelevant information and violates the attorney-client privilege between the Respondent and the Respondent's attorneys. The attorneys for the Respondent has not placed his or, in the case of Skokie Valley Asphalt Company, Inc., its attorney's fees at issue nor has the Respondent placed his or, in the case of Skokie Valley Asphalt Company, Inc., its expenses at issue in this matter.

6. A daily accounting of all costs directly incurred by Respondents related to this case.

Answer: Objection. This interrogatory is not calculated to be to admissible evidence at the time of the hearing. Furthermore, this interrogatory asks for irrelevant information and violates the attorney-client privilege between the Respondent and the Respondent's attorneys. The attorneys for the Respondent has not placed his or, in the case of Skokie Valley Asphalt Company, Inc., its attorney's fees at issue nor has the Respondent placed his or, in the case of Skokie Valley Asphalt Company, Inc., its expenses at issue in this matter.

7. All documents identified, relating to, and/or referred to in Respondents' or Respondents' attorneys' answers to Complainant's Interrogatories to Respondent Regarding Complainant's Fee Petition.

Answer: Objection. This interrogatory is not calculated to be to admissible evidence at the time of the hearing. Furthermore, this interrogatory asks for irrelevant information and violates the attorney-client privilege between the Respondent and the Respondent's attorneys. The attorneys for the Respondent has not placed his or, in the case of Skokie Valley Asphalt Company, Inc., its attorney's fees at issue nor has the Respondent placed his or, in the case of Skokie Valley Asphalt Company, Inc., its expenses at issue in this matter.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

RICHARD J. FREDERICK, being first duly sworn on oath, deposes and states that he is a Respondent in the above-captioned matter that he has read the foregoing document, and the answers made herein are true, correct and complete to the best of his knowledge and belief.

Richard J. Frederick
RICHARD J. FREDERICK

SUBSCRIBED and SWORN to before me this

2 day of December, 2005

Colleen B Perry
NOTARY PUBLIC

"OFFICIAL SEAL"
COLLEEN B. PERRY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6-18-07

David O'Neill and
Michael B. Jawgiel, P.C.
Attorneys for Respondent
5487 Milwaukee Avenue
Chicago, Illinois 60630

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached RESPONSE OF THE RESPONDENT, RICHARD J. FREDERICK, TO COMPLAINANT'S DOCUMENT REQUEST TO RESPONDENTS REGARDING COMPLAINANT'S FEE PETITION by hand delivery on December 5, 2005, upon the following party:

Mitchell Cohen
Environmental Bureau
Assistant Attorney General
Illinois Attorney General's Office
188 W. Randolph, 20th Floor
Chicago, IL 60601

David S. O'Neill

NOTARY SEAL

SUBSCRIBED AND SWORN TO ME this 5th

day of Dec., 20 05

Notary Public

OFFICIAL SEAL
RITA LOMBARDI
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/08/07

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, Complainant,	)	
	)	PCB 96-98
v.	)	Enforcement
SKOKIE VALLEY ASPHALT, CO., INC., EDWIN L. FREDERICK, JR., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and RICHARD J. FREDERICK, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc., Respondent	)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the RESPONSE OF THE RESPONDENT, RICHARD J. FREDERICK, TO COMPLAINANT'S DOCUMENT REQUEST TO RESPONDENTS REGARDING COMPLAINANT'S FEE PETITION, a copy of which is hereby served upon you.

David S. O'Neill

December 5, 2005

David S. O'Neill, Attorney at Law
5487 N. Milwaukee Avenue
Chicago, IL 60630-1249
(773) 792-1333