

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**  
CLERK'S OFFICE

MAY 20 2008

FOX MORAINÉ, L.L.C., )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED CITY OF YORKVILLE, )  
CITY COUNCIL, )  
)  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB 07-146  
Pollution Control Facility Siting Appeal

Notice of Filing

To: See attached service list

You are hereby notified that on May 19, 2008, we mailed to be filed with the Clerk of the Illinois Pollution Control Board, the original of Friends of Greater Yorkville's **Motion to Compel Case Participants to add Friends of Greater Yorkville to Service Lists**, a copy of which is hereby served on you.

WALSH, KNIPPEN, KNIGHT & POLLOCK, CHARTERED  
2150 Manchester Rd., Ste. 200  
Wheaton, IL 60187-2476  
630-462-1980  
jim@wkkplaw.com

Proof of Service

The undersigned attorney certifies pursuant to 735 ILCS 5/1-109 that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage prepaid, and by depositing said envelope in a U.S. Post Office Mailbox in Wheaton, Illinois on May 19, 2008.

  
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## SERVICE LIST

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100W. Randolph Street  
Chicago, Illinois 60601  
hallorab@ipcb.state.il.us

Derke J. Price  
Ancel, Glink, Diamond, Bush & Krafthefer,  
140 South Dearborn Street, 6th Floor  
Chicago, Illinois 60603  
T: (312) 782-7606  
F: (312) 783-0943  
dprice@ancelglink.com

Charles Helsten  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, Illinois 61105-1389  
T: (815) 963-8488  
F: (815) 963-9989  
chelsten@hinshawlaw.com

Jeffrey D. Jeep, Esq.  
Michael S. Blazer  
Jeep & Blazer, LLC.  
24 North Hillside Ave., Ste. A  
Hillside, IL 60162  
jdjeep@enviroatty.com  
mblazer@enviroatty.com

James Harvey  
Buck, Hutchison & Ruttle  
2455 Glenwood Avenue  
Joliet, Illinois 60435  
T: (815) 729-4800  
jim@mckeownlawfirm.com

Fox Moraine, LLC.  
George Mueller  
Mueller Anderson, P.C.  
609 Etna Road  
Ottawa, Illinois 61350  
T: (815) 431-1500  
F: (815) 431-1501  
george@muelleranderson.com

Ms. Valerie Burd, Mayor  
Michael Roth, Interim City Attorney  
City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois 60560

Eric Weis  
Kendall County State's Attorney  
Kendall County Courthouse  
807 John Street  
Yorkville, Illinois 60560  
T: (630) 553-4157  
F: (630) 553-4204  
eweis@co.kendall.il.us

United City of Yorkville  
Leo P. Dombrowski  
Anthony G. Hopp  
Thomas I. Matyas  
Wildman, Harrold, Allen & Dixon  
225 West Wacker Drive, Ste. 3000  
Chicago, Illinois 60606-1229  
T: (312) 201-2000  
F: (312) 201-2555  
hopp@wildman.com  
matyas@wildman.com  
dombrowski@wildman.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

FOX MORaine, L.L.C., )  
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 Petitioner, )  
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 v. )  
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 UNITED CITY OF YORKVILLE, )  
 CITY COUNCIL, )  
 )  
 Respondent. )

PCB 07-146  
Pollution Control Facility Siting Appeal

**Motion to Compel Case Participants to add Friends of Greater Yorkville to Service Lists**

NOW COMES Friends of Greater Yorkville, an Illinois not-for-profit corporation, by and through its attorneys, WALSH, KNIPPEN, KNIGHT & POLLOCK, CHARTERED, and respectfully requests that the Hearing Officer enter an Order directing the participants in this matter to serve copies of all documents upon the attorney for Friends of Greater Yorkville, who is listed on the service list for this matter; and in support of this motion, states:

1. On December 6, 2007, the Board adopted an Order allowing Friends of Greater Yorkville to file an *amicus curiae* brief in this matter.
2. The undersigned attorney for Friends of Greater Yorkville was added to the service list by the Illinois Pollution Control Board Clerk. (See electronic docket sheet.)
3. After the undersigned attorney was added to the service list, the other participants in the case were not including him on documents that were filed and served.
4. On April 15, 2008, the undersigned attorney sent a letter to all other persons named on the service list, asking that they update their service lists to ensure that mailings on the case were sent to the attorney for Friends of Greater Yorkville. (A copy of this letter is attached as Exhibit A.)
5. On May 5, 2008, Petitioner Fox Moraine, LLC, filed with the Clerk a document

titled "Second Request to Produce." The Petitioner did not name the undersigned attorney on the service list or serve the undersigned attorney with a copy of this document.

6. Section 101.202 of Title 35 of the Illinois Administrative Code defines "service list" as follows:

"Service list" means the list of persons designated by the hearing officer or Clerk in a regulatory or adjudicatory proceeding upon whom participants **must** serve motions, prefiled questions and prefiled testimony and any other documents that the participants file with the Clerk unless the hearing officer otherwise directs.

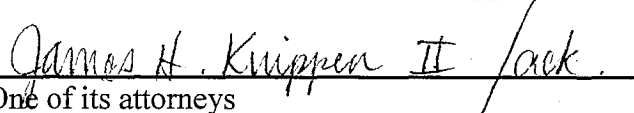
(Emphasis added.)

7. Section 101.304(b), of Title 35, titled "Duty to Serve," states that "Parties in Board adjudicatory proceedings are responsible for service of all documents they file with the Clerk's Office."

8. In accordance with these regulations, Friends of Greater Yorkville requests that the Hearing Officer enter an Order compelling the other parties to this case to serve the copies of all documents that the participants file with the Clerk upon the attorney for Friends of Greater Yorkville.

WHEREFORE Friends of Greater Yorkville respectfully requests that the Hearing Officer enter an Order directing the participants in this matter to serve copies of all documents upon the attorney for Friends of Greater Yorkville, who is listed on the service list for this matter.

Respectfully submitted,  
FRIENDS OF GREATER YORKVILLE

  
One of its attorneys

James H. Knippen, II  
WALSH, KNIPPEN, KNIGHT &  
POLLOCK, CHARTERED  
2150 Manchester Rd., Ste. 200  
Wheaton, IL 60187-2476  
630-462-1980  
jim@wkkplaw.com

Walsh, Knippen,  
Knight &  
Pollock  
CHARTERED  
ATTORNEYS AT LAW



EDWARD J. WALSH  
JAMES H. KNIPPEN  
THOMAS L. KNIGHT  
BRADLEY N. POLLOCK  
ADAM C. KRUSE

April 15, 2008

To: See attached service list

Re: *Fox Moraine, LLC v. United City of Yorkville, City Council*, Illinois Pollution Control Board Case No. 07-146

Dear Counsel,

This law firm, which represents Friends of Greater Yorkville in the above-captioned matter, has been added to the service list by the Clerk of the Pollution Control Board. We ask that you please update your service lists to reflect this when sending mailings on this case. Thank you for your attention to this matter.

Very truly yours,  
WALSH, KNIPPEN, KNIGHT & POLLOCK, CHARTERED

James H. Knippen, II

cc: Tom Gilson

Derke J. Price  
Ancel, Glink, Diamond, Bush & Krafthefer,  
140 South Dearborn Street, 6th Floor  
Chicago, Illinois 60603

Charles Helsten  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, Illinois 61105-1389

Jeffrey D. Jeep, Esq.  
Jeep & Blazer, LLC.  
24 North Hillside Ave., Ste. A  
Hillside, IL 60162

Leo P. Dombrowski  
Anthony G. Hopp  
Thomas I. Matyas  
Wildman, Harrold, Allen & Dixon  
225 West Wacker Drive, Ste. 3000  
Chicago, Illinois 60606-1229

James Harvey  
Buck, Hutchison & Ruttle  
2455 Glenwood Avenue  
Joliet, Illinois 60435

George Mueller  
Mueller Anderson, P.C.  
609 Etna Road  
Ottawa, Illinois 61350

Ms. Valerie Burd, Mayor  
Michael Roth, Interim City Attorney  
City of Yorkville  
800 Game Farm Road  
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Kendall County State's Attorney  
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