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nevertheless agrees that under *Des Plaines Watershed Alliance*, in an appeal challenging the issuance of a permit (which is how the Petitioner characterizes this action), the only relevant evidence is that which was included as part of the record at the time of the Agency's decision.

4. Accordingly, Hamman Farms believes that discovery is unauthorized in this particular case, and, in addition, would unnecessarily and improperly increase the burden of this litigation on Respondents.

5. Hamman Farms therefore requests issuance of an Order by the Hearing Officer declaring that discovery is inappropriate in this action.

6. If, however, the Hearing Officer finds and orders that discovery is appropriate in this action:

a. Respondent Hamman Farms proposes that written discovery be propounded by the end of the day on July 24, 2008.

b. Respondent Hamman Farms and Petitioner City of Yorkville have conferred and are in agreement that written discovery should be answered no later than Friday, August 1, 2008, with depositions, if any, to be conducted between August 4, 2008 and August 13, 2008. (See email to counsel for Hamman Farms, sent by counsel for the City of Yorkville, attached hereto as Exhibit A).

6. Respondent Hamman Farms makes no representation herein concerning the position of IEPA with respect to appropriate discovery deadlines.

WHEREFORE, Respondent HAMMAN FARMS respectfully requests that the Hearing Officer enter an order declaring that discovery is inappropriate in this action, or in the alternative, that the Hearing Officer enter an order declaring that:

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1. Written discovery be propounded by the end of the day on July 24, 2008;
2. Written discovery be answered by August 1, 2008; and
3. Depositions, if any, be conducted between August 4, 2008 and August 13, 2008.

Dated:

July 23, 2008

Respectfully submitted,

On behalf of Hamman Farms



One of Its Attorneys

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"Michelle Lagrotta "
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07/23/2008 11:44 AM

To "Nicola Nelson" <NNelson@hinshawlaw.com>
cc "Thomas Gardiner" <tgardiner@gkw-law.com>
bcc
Subject Yorkville v. Hamman- Proposed discovery schedule

Here is our proposed discovery schedule:

Complete written discovery by Friday, August 1, 2008. Oral discovery take place August 4-12th/13th.

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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 July 23, 2008, she caused to be served a copy of the foregoing upon:

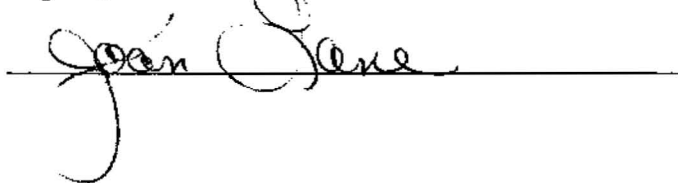
Mr. John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
therriaj@ipcb.state.il.us
(via electronic filing)

via e-mail
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A copy of the same was enclosed in an envelope in the United States mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.



A handwritten signature in black ink, appearing to read "Joan Stone", is written over a horizontal line.

PCB No. 08-95
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