

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MARTIN MAGGIO)	
)	
Petitioner,)	
)	
vs.)	PCB 13-10
)	(Pollution Control Facility Siting Appeal)
COUNTY OF WINNEBAGO,)	
WINNEBAGO COUNTY BOARD and)	
WINNEBAGO LANDFILL COMPANY,)	
LLC,)	
)	
Respondents.)	

FIRST SET OF REQUESTS TO PRODUCE OF RESPONDENT, WINNEBAGO LANDFILL COMPANY, LLC, DIRECTED TO PETITIONER, MARTIN MAGGIO

NOW COMES WINNEBAGO LANDFILL COMPANY, LLC (“Respondent”) by its attorneys, Charles F. Helsten and George Mueller, and directs MARTIN MAGGIO (“Maggio”), to produce at the office of George Mueller, 609 Etna Road, Ottawa, Illinois, within twenty-eight (28) days of service of this request, or at such other time and place as may be agreed upon by the attorneys for the parties pursuant to Illinois Administrative Code Title 35, Section 101.616, for inspection, copying, reproduction and photographing the following documents, objects or tangible things, to wit:

DEFINITIONS

1. **Document.** “Document” shall mean all documents, objects and tangible things, including every original (and any copy of any original and any copy which differs in any way from any original) of every writing of every kind or description, whether handwritten, typed, drawn, sketched, or printed, including, without limitation, computer-generated or maintained data or reports, books, records, papers, pamphlets, brochures, circulars, plans, correspondence, emails, communications, telegrams, memoranda, notes, logs, notebooks, worksheets, reports, lists, analysis, appointment books, diaries, telephone bills and toll call records, expense reports, commission statements, confirmation statements, checkbooks, cancelled checks, receipts, contracts, agreements, instruments, assignments, applications, offers, acceptances, written memorials of oral communications, photographs, photographic slides or negative films,

digital images, digital moving images and film strips to which Maggio now has or has had access to in the past.

2. Communication. "Communication" includes all discussions, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents, the identity of person(s) to whom and by whom it was made, the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.

3. Relate To or Relating To. "Relating to" or "relating to" as used herein with reference to a subject shall mean both of the following:

a. Containing, comprising, consisting of, constituting, composed of, stating, setting forth or recording, contradicting, referring to, relating to or in any way pertaining to, in whole or in part, that subject; and

b. Describing, discussing, reflecting, interpreting, identifying, concerning, contradicting, referring to, relating to, or in any way pertaining to, in whole or in part, that subject.

4. All and Any. As used herein "all" refers to any and all, and the term "any" likewise refers to any and all.

5. And / Or. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this request any documents which might otherwise be construed to be outside its scope.

6. Any and all capitalized terms not defined herein should be ascribed the meanings given them in the Petition for Review filed with the Pollution Control Board on August 15, 2012, initiating this matter.

INSTRUCTIONS

1. Any word written in the singular shall be construed as plural and any word written in the plural shall be construed as singular when necessary to facilitate complete answers.

2. All information requested is from September 1, 2011, to the date of compliance with this request, unless otherwise specifically indicated. If the answer is not uniformly applied to that entire period, each change within the period is to be indicated with the date of such change.

3. If any document requested is withheld on the ground of privilege, provide a log of all such documents, including: (a) a description of the subject of each such document; (b) all persons who have knowledge of each such document, or any having knowledge regarding each such document, including without limitation the author of any document withheld; (c) the date and circumstance of any communication of such document, including without limitation the identification of the author(s), any addressee(s), indicated or blind carbon copy recipient(s), or other recipient(s); and (d) all grounds relied upon for not providing each such document.

4. If any document described by this request has been lost, destroyed, discarded or otherwise disposed of, that document is to be identified as completely as possible.

5. If any information is redacted from a document produced pursuant to this request, that information is to be identified and described generally, and all grounds relied upon for not providing such information are to be fully set forth.

6. If any document described by this request no longer exists, or is no longer within your possession, custody or control, identify such document(s).

7. Identify in writing each paragraph of this request for which no responsive documents are produced.

8. If, subsequent to your initial response, you come into possession of any document(s) that is(are) responsive to any of the following requests, you are requested to supplement the response accordingly.

9. Documents produced in response to these requests must be organized in categories that correspond to the responsive request.

DOCUMENTS TO BE PRODUCED

1. All documents identified in your answers to Respondent's First Set of Interrogatories and/or reviewed or relied upon in responding to the First Set of Interrogatories.

2. All documents related to any communications, statements, or interviews with any person whom you have identified as a potential witness to testify at the hearing in this matter related to the subject matter of his or her expected testimony at the hearing.

3. All documents related to the allegations in paragraph 6 of the Petition for Review filed by you herein.

4. All documents related to the allegations in paragraph 7 of the Petition for Review filed by you herein.

5. For the period between September 1, 2011, and July 12, 2012, all documents related to any communications made by you or by anyone acting at your direction or on your behalf to any member of the Winnebago County Board or staff relating to the application, excepting therefrom communications in the form of official filings related to the application with the Winnebago County Clerk.

6. All documents relating to your contention that the Winnebago County Board did not have jurisdiction over the application.

7. Any and all documents which will be used at a trial or hearing in this matter.

8. You are further requested to furnish at the time and place stated an Affidavit stating that the production is complete in accordance with the Request, and if not complete, to list those items not produced, state the grounds for objection to their production giving the names and addresses of the person having custody of such items.

Respectfully submitted,

WINNEBAGO LANDFILL COMPANY, LLC,
Respondent,

CHARLES F.HELSTEN and
GEORGE MUELLER, Its Attorneys

GEORGE MUELLER
Mueller Anderson & Associates
609 Etna Road
Ottawa, Illinois 61350
(815) 431-1500 Telephone
(815) 431-1501 Facsimile
george@muelleranderson.com

CHARLES F. HELSTEN
Hinshaw & Culbertson LLP
100 Park Avenue
Rockford, Illinois 61101
(815) 490-4900 Telephone
(815) 490-4901 Facsimile
chelsten@hinshawlaw.com

STATE OF ILLINOIS)
)
COUNTY OF LASALLE) SS

AFFIDAVIT OF SERVICE

The undersigned being first duly sworn on oath, states that a copy of the foregoing FIRST SET OF REQUESTS TO PRODUCE OF RESPONDENT, WINNEBAGO LANDFILL COMPANY, LLC DIRECTED TO PETITIONER, MARTIN MAGGIO, was served upon the following persons by enclosing copies of same in separate envelopes, addressed as set forth below, and depositing said envelopes in a U.S. Postal Service mailbox in Ottawa, Illinois, on the ____ day of September, 2012, before 5:00 p.m., with all fees thereon fully prepaid.

Michael S. Blazer
Thomas S. Yu
Jeep & Blazer, LLC
24 Hillside Ave., Suite A
Hillside, IL 60162

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601

Dave Kurlinkus
Winnebago County Assistant State's
Attorney
Winnebago County Courthouse
8th Floor
400 West State Street
Rockford, IL 61101

Scott H. Christiansen
Winnebago County Board Chairman
404 Elm Street
Rockford, IL 61101

Subscribed and sworn to before me
this ____ day of September, 2012.

Notary Public