

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
)	
Petitioner)	
)	
v.)	No. PCB 2014-099
)	(Pollution Control Facility Siting Appeal)
)	
VILLAGE OF ROUND LAKE PARK,)	
ROUND LAKE PARK VILLAGE BOARD))	
and GROOT INDUSTRIES, INC.,)	
)	
Respondents)	

NOTICE OF FILING

To: see service list

PLEASE TAKE NOTICE that on or before March 12, 2014 at 4:30 p.m., I filed the attached courtesy copies of TCH's Interrogatories to VLRP & Village Board and TCH's Production Request to to VLRP & Village Board with the Clerk of the Illinois Pollution Control Board, copies of which are hereby served upon you by email.

By: *Glenn C. Sechen*
The Sechen Law Group, PC
Attorney for the
Village of Round Lake Park

Certificate of Service

The undersigned hereby attorney certifies that on the 12rd day of March, 2014, a copy of the above was filed and served by email, as agreed by counsel, upon the persons shown in the Service List:

Glenn C. Sechen
The Sechen Law Group, PC
Attorney for the
Village of Round Lake Park

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
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VILLAGE OF ROUND LAKE PARK,)	(Pollution Control Facility Siting Appeal)
ROUND LAKE PARK VILLAGE BOARD)	
and GROOT INDUSTRIES, INC.,)	
)	
Respondents)	

PETITIONER'S FIRST SET OF INTERROGATORIES TO VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD

Now comes Petitioner, Timber Creek Homes, Inc. ("TCH"), by its attorneys, Jeep & Blazer, LLC, and pursuant to 35 IAC 101.616, hereby propounds upon Respondents, Village of Round Lake Park ("VRLP") and Round Lake Park Village Board (the "Village Board"), the following interrogatories to be answered fully in writing and under oath, within 28 days after service hereof. The responses to these Interrogatories shall be prepared in accordance with the "Definitions and Instructions" set forth herein.

DEFINITIONS AND INSTRUCTIONS

- A. Unless otherwise specifically indicated, the period of time encompassed by these Interrogatories is March 1, 2008 through June 21, 2013.
- B. The term "person" includes any individual, corporation, unit of government, trust, and any other collective organization or entity unless the context clearly indicates reference to an individual person.
- C. Whenever reference is made to any person or entity by name, such reference shall be deemed to include all of the person's or entity's agents, employees, appointed officials, elected officials and attorneys, and the

entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent companies, and includes present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys.

- D. The term "relating to" means referring to, reflecting, and/or pertaining in any way, directly or indirectly, to or in any legal, logical or factual way connected with the matter discussed, and includes any documents used in the preparation of any document called for by each paragraph of these interrogatories.
- E. The term "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 and records of communication, 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.
- F. As used herein, "and" as well as "or" should be considered either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside of their scope.

- G. Wherever appropriate herein, the singular form of a word should be interpreted to include the plural, and vice versa.
- H. As used herein, the word "identify" when used in connection with a verbal communication shall mean to state the following:
1. The date of that communication;
 2. Identify the persons who were parties to that communication;
 3. Identify the persons who were witnesses (other than the parties) to the communication;
 4. State whether that communication was face-to-face and/or over the telephone, and if face-to-face, describe the location of that communication; and
 5. Identify any documents which pertain to that communication.
- I. As used herein, the word "identify" when used in reference to a natural person (i.e., human being) means to state:
1. The person's full name;
 2. Present (or last known) address;
 3. Present (or last known) occupation or position; and
 4. Name of his present (or last known) employer.
- L. The word "identify" when used in reference to a person other than an individual, means to state:
1. Its full name;
 2. Its present (or last known) address ; and
 3. Its present (or last known) telephone number.

- M. The word "identify" when used in reference to a document, means to state:
1. Its date;
 2. Its subject and its substance;
 3. Its author
 4. Its recipients; and
 5. The type of documents (e.g., letter memorandum, telegram, chart, computer input or print-out, photograph, sound reproduction, etc.
- N. If you object to any of the definitions or instructions herein, or to any of the interrogatories herein, state in writing each objection and the grounds thereof.

INTERROGATORIES

1. Identify all communications in verbal, written or electronic form made by or to any member of the RLP Board relating to the subject of a waste transfer station in the Village of Round Lake Park.

ANSWER:

2. Identify all communications in verbal, written or electronic form made by or to VRLP relating to the subject of a waste transfer station in the Village of Round Lake Park.

ANSWER:

3. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and any other member of the RLP Board where the subject of a waste transfer station in the Village of Round Lake Park was discussed.

ANSWER:

4. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and any officer, agent, employee or representative of Groot Industries, Inc.

ANSWER:

5. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Lee Brandsma.

ANSWER:

6. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Larry Groot.

ANSWER:

7. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Walter Willis.

ANSWER:

8. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Devin Moose.

ANSWER:

9. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Chicago Bridge & Iron Company.

ANSWER:

10. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Shaw Environmental, Inc.

ANSWER:

11. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Glenn Sechen from the date of his retention by VRLP to the present.

ANSWER:

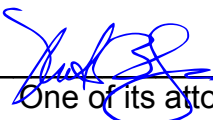
12. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Dale Kleszynski from the date of his retention by VRLP to the present.

ANSWER:

13. Identify all meetings, conversations, communications and contacts between VRLP and Dale Kleszynski from the date of his retention by VRLP to the present.

ANSWER:

Respectfully submitted,
Timber Creek Homes, Inc.

By: 
One of its attorneys

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Jeffery D. Jeep (ARDC No. 6182830)
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jdjeep@enviroatty.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of PETITIONER'S FIRST SET OF INTERROGATORIES TO VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD to be served on the following, via electronic mail transmission, on this 1st day of February, 2014:

Hearing Officer

Bradley P. Halloran
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

For Groot Industries, Inc.

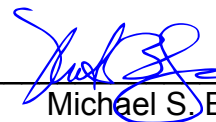
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For the Village of Round Lake Park

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For the Round Lake Park Village Board

Glenn Sechen
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Michael S. Blazer
One of the attorneys for
Petitioner

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PETITIONER’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD

Now comes Petitioner, Timber Creek Homes, Inc. (“TCH”), by its attorneys, Jeep & Blazer, LLC, and pursuant to 35 IAC 101.616, hereby requests that Respondents Village of Round Lake Park (“VRLP”) and Round Lake Park Village Board (the “RLP Board”), produce the documents requested herein for inspection and copying at the offices of Jeep & Blazer, LLC, 24 N. Hillside Avenue, Suite A, Hillside, Illinois within 28 days of service hereof.

DEFINITIONS AND INSTRUCTIONS

A. Unless otherwise specifically indicated, the period of time encompassed by this Request is March 1, 2008 through June 21, 2013.

B. "Documents" shall include all written material or other tangible medium of reproduction of every kind or description, however produced or reproduced, including, without limitation, correspondence, notes, memoranda, recordings, photographs, letters, financial statements, tax returns, bank account statements, specifications, inspection reports, blueprints, drawings, diagrams, charts, summaries, computer printouts, computer or other digital data, microfilm, microfiche, records of oral conversations, diaries, calendars, field reports, logs, minutes, meetings, analyses, projections, work papers, tape recordings, films, video tapes, models, statistical statements, graphs,

laboratory and engineering reports and notebooks, plans, minutes or records of meetings, minutes or records of conferences, lists of persons attending meetings or conferences, reports and/or summaries of investigations, opinions, or reports of consultants, appraisals, evaluations, records, contracts, agreements, leases, invoices, receipts, preliminary drafts, however denominated, by whomever prepared, to whomever addressed, which are in possession of the respondent as defined herein. Further, "documents" includes any copies of documents which are not identical duplicates of originals, including, but not limited to, all drafts of whatever date and copies with typed or handwritten notations, and any other form of reporting, storing, maintaining or indexing such information, including, without limitation, electronic storage, computer storage, shorthand notes, diagrams, magnetic cards and other forms of storage.

C. "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 and records of communication, 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.

D. "Relating to" shall refer to documents that contain or refer in any way, directly or indirectly, to or in any legal, logical or factual way, or are in any other way connected with, the subject matter of a paragraph of this Request.

E. "Person" includes any individual, corporation, unit of government, trust, and any other collective organization or entity unless the context clearly indicates reference to an individual person.

F. Whenever reference is made to any person or entity by name, such reference shall be deemed to include all of the person's or entity's agents, employees, appointed officials, elected officials and attorneys, and the entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent companies, and includes present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys.

G. As used herein, "and" as well as "or" should be considered either disjunctively or conjunctively as necessary to bring within the scope of this request any documents which might otherwise be construed to be outside its scope.

H. This request shall be deemed continuing so as to require prompt, further and supplemental production if you obtain possession of documents responsive to any request herein.

I. If you assert that any document called for by this request is privileged, you shall provide the following information with respect to each document:

- (1) Its date;
- (2) Its author;
- (3) All addresses of recipients of the original or copies thereof;
- (4) A brief description of its subject matter and physical size; and
- (5) The nature of the privilege claimed.

J. Wherever appropriate herein, the singular form of a word should be interpreted to include the plural, and vice versa.

K. In producing documents responsive to this request, you are requested to indicate for which paragraph each document is responsive.

L. If any document requested by this request has been destroyed, mutilated, altered, redacted, or discarded, that document must be identified by stating:

- (1) The name and address of the sender of the document;
- (2) The name and address of the author of the document;
- (3) The name and address of all entities to whom the document was addressed;
- (4) The name and address of all entities to whom a copy of the document was sent;
- (5) The name and address of all entities known to Defendants who had seen the document or participated in communications about the document;
- (6) The job title of each entity listed in (1) through (5) above;
- (7) The name and address of all entities known to Defendants who have received or currently possess a copy of the document;
- (8) The date of the document;
- (9) The date of destruction, alteration, mutilation, redaction, or discard of the document, manner of destruction, alteration, mutilation, redaction, or discard of the document, and reasons for destruction, alteration, mutilation, redaction, or discard of the document;
- (10) A brief description of the nature and subject of the document; and
- (11) The entity authorizing and performing the destruction, alteration, mutilation, redaction, or discard of the document.

M. If you object to any of the definitions or instructions herein, or to any of these specific requests herein, state in writing each objection and the grounds thereof.

N. You are requested to produce an affidavit stating whether the production is complete in accordance with this request as provided in Illinois Supreme Court Rule 214.

DOCUMENTS REQUESTED

1. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Groot Industries, Inc..

2. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Groot Industries, Inc..

3. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Lee Brandsma.

4. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Lee Brandsma.

5. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Larry Groot.

6. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Larry Groot between March 2008 and June 21, 2013.

7. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Walter Willis.

8. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Walter Willis.

9. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Chicago Bridge & Iron Company.

10. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Chicago Bridge & Iron Company.

11. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and The Shaw Group and/or Shaw Environmental, Inc..

12. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and The Shaw Group and/or Shaw Environmental, Inc..

13. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Devin Moose.

14. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Devin Moose.

15. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Doug Allen.

16. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Doug Allen.

17. All documents relating to or reflecting discussion, consideration or contemplation of a waste transfer station in the Village of Round Lake Park.

18. All documents relating to or reflecting the retention of Glenn Sechen ("Sechen") by VRLP, including, but not limited to, all documents relating to or reflecting the scope of Sechen's retention.

19. All documents relating to or reflecting all services performed by Sechen from the date of his retention by VRLP to the present, including, but not limited to, all invoices or statements for services rendered.

20. All documents relating to or reflecting all communications between any member of the RLP Board and Sechen from the date of his retention by VRLP to the present.

21. All documents relating to or reflecting the retention of Dale Kleszynski ("Kleszynski") by VRLP, including, but not limited to, all documents relating to or reflecting the scope of Kleszynski's retention.

22. All documents relating to or reflecting all services performed by Kleszynski from the date of his retention by VRLP to the present, including, but not limited to, all invoices or statements for services rendered.

23. All documents relating to or reflecting all communications between VRLP and Kleszynski from the date of his retention by VRLP to the present.

24. All documents relating to or reflecting all communications between any member of the RLP Board and Kleszynski from the date of his retention by VRLP to the present.

Respectfully submitted,
Timber Creek Homes, Inc.

By: 
One of its attorneys

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CERTIFICATE OF SERVICE

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For Groot Industries, Inc.

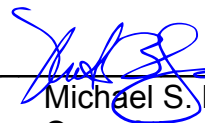
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For the Round Lake Park Village Board

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The Sechen Law Group
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Michael S. Blazer
One of the attorneys for
Petitioner

SERVICE LIST

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