BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.)
5.44)
Petitioner,)
) PCB No. 14-99
v.) (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 ATTACHED SERVICE LIST

Please take notice that on April 15, 2014, the undersigned caused to be filed electronically with the clerk of the Illinois Pollution Control Board MOTION FOR LEAVE TO FILE RESPONDENT ROUND LAKE PARK VILLAGE BOARD'S REPLY TO PETITIONER'S CONSOLIDATED RESPONSE TO RESPONDENTS' MOTIONS TO QUASH SUBPOENA FOR_DEPOSITION OF DERKE J. PRICE, a copy of which is attached hereto.

Respectfully Submitted,

On behalf of Round Lake Park Village Board

Peter S. Karlovics

Peter S. Karlovics #6204536 The Law Offices of Rudolph F. Magna #110560 495 N. Riverside Dr., Ste. 201 PO Box 705 Gurnee, IL 60031

AFFIDAVIT OF SERVICE

The undersigned certifies that on April 15, 2014 a copy of the foregoing MOTION FOR LEAVE TO FILE RESPONDENT ROUND LAKE PARK VILLAGE BOARD'S REPLY TO PETITIONER'S CONSOLIDATED RESPONSE TO RESPONDENTS' MOTIONS TO QUASH SUBPOENA FOR DEPOSITION OF DERKE J. PRICE was served upon the following:

For the Village of Round Lake Park: Attorney Glenn Sechen The Sechen Law Group 13909 Laque Drive Cedar Lake, IN 46303-9658 glenn@sechenlawgroup.com

Ms. Karen Eggert Village of Round Lake Park 203 E. Lake Shore Drive Round Lake Park, IL 60073 keggert@villageofroundlakepark.com

For Groot Industries, Inc.
Attorney Charles F. Helsten
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105
chelsten@hinshawlaw.com

Attorney Richard S. Porter Hinshaw & Culbertson LLP 100 Park Avenue P.O. Box 1389 Rockford, IL 61105 rporter@hinshawlaw.com

Attorney George Mueller Mueller Anderson & Associates 609 Etna Road Ottawa, IL 61350 george@muelleranderson.com

By e-mailing a copy thereof as addressed above.

Peter S. Karlovics #6204536 The Law Offices of Rudolph F. Magna #110560 495 N. Riverside Dr., Ste. 201 PO Box 705 Gurnee, IL 60031 Peggy L. Crane Hinshaw & Culbertson LLP 416 Main Street, 6th Floor Peoria, IL 61602 pcrane@hinshawlaw.com

For Timber Creek Homes, Inc.:
Attorney Jeffrey D. Jeep
Jeep & Blazer, LLC
24 North Hillside Avenue
Suite A
Hillside, IL 60162
idjeep@enviroatty.com

Attorney Michael S. Blazer Jeep & Blazer, LLC 24 North Hillside Avenue Suite A Hillside, IL 60162 mblazer@enviroatty.com

Peter S. Karlovics

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

MOTION FOR LEAVE TO FILE RESPONDENT ROUND LAKE PARK VILLAGE BOARD'S REPLY TO PETITIONER'S CONSOLIDATED RESPONSE TO RESPONDENTS' MOTIONS TO QUASH SUBPOENA FOR DEPOSITION OF DERKE J. PRICE

Now comes the Respondent, Round Lake Park Village Board ("RLPVB"), by its attorneys, the Law Offices of Rudolph F. Magna, and in submitting its Motion for Leave to File Respondent Round Lake Park Village Board's Reply to Petitioner's Consolidated Response to Respondents' Motions to Quash Subpeona for Deposition of Derke J. Price, states as follows:

- 1. RLPVB filed a Motion to Quash Subpeona for Deposition of Derke J. Price ("Mr. Price") on April 9, 2014, asserting that the subpoena of Mr. Price is unreasonable and irrelevant to the facts of this case, because Mr. Price did not play a role in the local siting hearing in this case.
- 2. Petitioner Timber Creek Homes, Inc. ("TCH") filed a response improperly concluding that Mr. Price's use of a "screening mechanism" or "chinese wall" between himself and attorneys in his firm was a result of Mr. Price possessing confidential information from the Village of Round Lake Park, and that the use of such screening is only used "to avoid the

consequences of conflicts.... due to knowledge of confidential information" due to the operation

of Rule 1.7 Illinois Rules of Professional Conduct ("RPC").

3. TCH ignored the operation of Rule 1.12 of the RPC, which applies the

requirement of screening to an attorney who participated as a "third party neutral," which in this

case, is Mr. Price's role as a candidate for hearing officer.

4. RLPVB requests that leave be granted to allow to RLPVB the opportunity to

respond to TCH's improper conclusion as to the requirement of screening.

WHEREFORE, Respondent, Round Lake Park Village Board, respectfully requests that

an order be entered allowing the Round Lake Park Village Board leave to file Respondent Round

Lake Park Village Board's Reply to Petitioner's Consolidated Response to Respondents'

Motions to Quash Subpeona for Deposition of Derke J. Price, and other relief as this Board or

Hearing Officer deems just and proper.

Respectfully Submitted, Village Board of Round Lake Park,

Respondent

By: Peter S. Karlovics

Peter S. Karlovics, Attorney for the

Village Board of Round Lake Park

The Law Offices of Rudolph F. Magna 110560

Peter S. Karlovics # 6204536

P.O. Box 705

Gurnee, Illinois 60031

(847) 623-5277