

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**RESPONSE TO NOTICE OF RULE 206(a)(1) DEPOSITION OF  
PETITIONER TIMBER CREEK HOMES, INC.**

Now comes Petitioner, Timber Creek Homes, Inc. (“TCH”), by its attorneys, by its attorneys, Jeep & Blazer, LLC, and for its response to the Notice of Deposition (the “Notice”) served by Respondent, Groot Industries, Inc. (“Groot”), states:

1. A copy of the Notice is attached hereto as Exhibit A. The Notice purports to seek the discovery deposition of Larry Cohn (“Cohn”), both individually and “as a corporate representative for” TCH.

2. Illinois Supreme Court Rule 206(a)(1) governs corporate representative depositions, and provides, in relevant part:

Representative Deponent. A party may in the notice and in a subpoena, if required, name as the deponent a public or private corporation or a partnership or association or governmental agency and **describe with reasonable particularity the matters on which examination is requested.** In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. The subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. [Emphasis added]

## Electronic Filing - Received, Clerk's Office : 05/07/2014

3. The Notice fails to describe, in any manner, the matters on which examination is requested. The Notice is therefore defective and TCH cannot designate a corporate representative.

4. Further, the Notice instructs Cohn to bring four categories of documents with him to the deposition. These categories of documents are the subject of TCH's Answers to Interrogatories and Response to Request for Production of Documents, copies of which are attached hereto as Exhibits B and C, respectively.

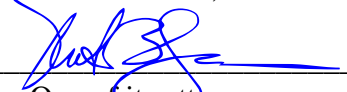
5. As set forth in those responses, the documents requested in the Notice are in the siting hearing record and other sources identified in TCH's discovery responses. Documents have additionally been the subject of discovery and depositions undertaken to date. All of these documents are already in Groot's possession.

6. Specifically, apart from additional documents produced during discovery, the subjects of paragraphs 1, 2 and 3 of the Notice are addressed in paragraphs 1 through 11 of TCH's Answers to Interrogatories and paragraphs 1 through 6 of TCH's Response to Request for Production of Documents. The subject of paragraph 4 of the Notice is addressed in paragraph 27 of TCH's Answers to Interrogatories and paragraph 15 of TCH's Response to Request for Production of Documents.

7. Cohn does not possess any documents in addition to those already identified and those additional documents produced in discovery, and will not therefore bring any documents to his deposition.

Michael S. Blazer (ARDC No. 6183002)  
Jeffery D. Jeep (ARDC No. 6182830)  
Jeep & Blazer, LLC  
24 N. Hillside Avenue, Suite A  
Hillside, IL 60162  
(708) 236-0830  
Fax: (708) 236-0828  
[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)  
[jdjeep@enviroatty.com](mailto:jdjeep@enviroatty.com)

Respectfully submitted,  
Timber Creek Homes, Inc.

By:   
One of its attorneys

**EXHIBIT A**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.	)	
	)	
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.	)	

**AMENDED NOTICE OF DEPOSITION**

**TO: SEE ATTACHED SERVICE LIST**

Please take notice that on May 8, 2014, at 2:30 p.m., the undersigned will, at the Law offices of Rudolph F. Magna, 495 N. Riverside Drive, Suite 201, Gurnee, Illinois, take the discovery deposition of Larry J. Cohn, individually and as a corporate representative for Timber Creek Homes, Inc., before a Notary Public or any other duly authorized officer in the State of Illinois.

You are instructed to bring with you the following:

1. Any and all documents relating to or purporting to show any alleged bias in the siting process or procedure in this matter, including the deliberation and decision making process engaged in by the Village of Round Lake Park ("Village") or the Round Lake Park Village Board ("Village Board") related to the Siting Application for the proposed Groot Lake Transfer Station (the "Transfer Station").

2. Any and all documents concerning or relating to any alleged lack of fundamental fairness of the siting hearing, procedure, process, or decision of the Village Board related to the Siting Application.
3. All documents which purport to show any alleged ex parte or improper contacts by anyone with the Village or Village Board concerning the Siting Application.
4. Any and all communications between TCH or its agents or attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, between any waste company, transfer station operator, or other competitor to Groot concerning the Siting Application or the siting procedures and process, including the public hearing concerning the Application.

Dated: May 6, 2014

Respectfully submitted,

---

On behalf of GROOT INDUSTRIES, INC.

/s/ Richard S. Porter

---

Richard S. Porter  
One of Its Attorneys

HINSHAW & CULBERTSON LLP  
100 PARK AVENUE  
P.O. BOX 1389  
ROCKFORD, IL 61105-1389  
815-490-4900

**AFFIDAVIT OF SERVICE**

STATE OF ILLINOIS            )  
  )  
COUNTY OF WINNEBAGO    )

  SS

The undersigned certifies that on **May 6, 2014**, a copy of the foregoing **Amended Notice of Deposition** was served upon the following:

Attorney Michael S. Blazer  
Jeep & Blazer, L.L.C.  
24 North Hillside Avenue  
Suite A  
Hillside, IL 60162  
[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)

Attorney Jeffery D. Jeep  
Jeep & Blazer, L.L.C.  
24 North Hillside Avenue  
Suite A  
Hillside, IL 60162  
[jdjeep@enviroatty.com](mailto:jdjeep@enviroatty.com)

Attorney Peter S. Karlovics  
Law Offices of Rudolph F. Magna  
495 N. Riverside Drive  
Suite 201  
Gurnee, IL 60031-5920  
[pkarlovics@aol.com](mailto:pkarlovics@aol.com)

Attorney Glenn Sechen  
The Sechen Law Group  
13909 Laque Drive  
Cedar Lake, IN 46303-9658  
[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)

Mr. Brad Halloran  
Hearing Officer  
IPCB  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601-3218  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

by e-mailing a copy thereof as addressed above.

  
\_\_\_\_\_

HINSHAW & CULBERTSON LLP  
100 PARK AVENUE  
P.O. BOX 1389  
ROCKFORD, IL 61105-1389  
815-490-4900

**EXHIBIT B**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**ANSWERS TO INTERROGATORIES**

Now comes petitioner, Timber Creek Homes, LLC (“TCH”), by its attorneys, Jeep & Blazer, LLC, and hereby submits its Answers to the Interrogatories served by respondent Groot Industries, Inc. (“Groot”).

**INTERROGATORY NO. 1.** Identity all persons answering these Interrogatories, and all persons who provided information regarding or assisted in answering these Interrogatories.

**ANSWER:** These interrogatories are being answered by TCH, to whom they are directed. Information for most of the Answers was derived from the siting hearing record and other sources identified in the following Answers. Mr. Larry Cohn and counsel for TCH provided the information for the Answer to Interrogatory 26. Mr. Larry Cohn provided the information for the Answers to Interrogatories 27 and 28.

**INTERROGATORY NO. 2.** Is it Petitioner’s contention that the siting process and procedures employed by the Village Board were fundamentally unfair?

**ANSWER:** Yes.



**INTERROGATORY NO. 3.** If the answer to your foregoing Interrogatory is “yes”, then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to the fundamental fairness of the siting process and procedures employed in this matter by the Village Board;
- c. Every document or other evidentiary item relating to the fundamental fairness of the siting process and procedures employed in this matter which the Petitioner relies upon in making that assertion.

**ANSWER:** In accordance with Illinois Supreme Court Rule 213(e), see the following documents:

1. Timber Creek Homes' Proposed Findings and Conclusions (C04190-C04194) and references cited therein.
2. Timber Creek Homes' Motion to Strike and For Negative Inference Instruction (C04355.002-C04355.005) and references cited therein.
3. Findings And Recommendations of the Hearing Officer (C04355.036-C04355.038, C04355.044, C04355.050-C04355.052, C04355.055, C04355.058-C04355.060, C04355.066-C04355.07, C04355.069-C04355.070) and references cited therein.
4. Village of Round Lake Park Ordinance No. 12-13 (C02472-C02490)
5. Village of Round Lake Park Ordinance No. 13-15 (C02491-C02494)
6. Village of Round Lake Park Board Meeting Minutes October 16, 2012 (C04394-C04395)
7. Village of Round Lake Park Board Meeting Minutes November 13, 2012 (C04402)
8. Village of Round Lake Park Board Meeting Minutes December 18, 2012 (C4414))

9. Village of Round Lake Park Board Meeting Minutes February 5, 2013 (C04419))
10. Village of Round Lake Park Board Meeting Minutes March 12, 2013 (C04423-C04424)
11. Village of Round Lake Park Board Meeting Minutes June 11, 2013 (C04438)
12. Village of Round Lake Park Board Meeting Minutes June 18, 2013 (C04446)
13. Village of Round Lake Park Board Meeting Minutes August 6, 2013 (C04471)
14. Village of Round Lake Park Board Meeting Minutes September 17, 2013 (C04489-C04490)
15. Village of Round Lake Park Board Meeting Minutes October 1, 2013 (C04496-C04497)
16. Village of Round Lake Park Board Meeting Minutes November 5, 2013 (C04508-C04510)
17. Village Board meeting minutes that are the subject of TCH's Request to Admit Facts and Genuineness of Documents.
18. Transcript of Village Board deliberations on December 11, 2013 (C03875-C04009)
19. Village of Round Lake Park Board Meeting Minutes December 10, 2013 (C04521-C04523)
20. Transcript of Village Board vote on December 12, 2013 (C04025-C04044)
21. Village of Round Lake Park Board Meeting Minutes December 12, 2013 (C04524)
22. Village of Round Lake Park Resolution No. 13-09 (C04579-C04623)

Investigation continues.

**INTERROGATORY NO. 4.** Is it petitioner's contention that the merits of the Siting Application were pre-adjudicated?

**ANSWER:** Yes.

**INTERROGATORY NO. 5.** If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to the alleged pre-adjudication of the merits of the Siting Application;
- c. Every document or other evidentiary item relating to the alleged pre-adjudication of the merits of the Siting Application.

**ANSWER:** See Answer to Interrogatory No. 3.

**INTERROGATORY NO. 6.** Is it Petitioner's contention that *ex parte* or improper communications took place concerning the Siting Application?

**ANSWER:** Groot does not specify whether this Interrogatory seeks information regarding communications before or after the Siting Application was filed. The word "improper" is also not defined. Since *ex parte* communications could only take place after the Siting Application was filed, TCH therefore assumes that this Interrogatory seeks information regarding such communications. As to that subject, unknown at this time. Investigation continues. TCH will supplement this answer upon definition of the word "improper".

**INTERROGATORY NO. 7.** If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to any *ex parte* or improper communication;
- c. Every document or other evidentiary item relating to any *ex parte* or improper communication.

**ANSWER:** See answer to Interrogatory No. 6.

**INTERROGATORY NO. 8.** Is it Petitioner's contention that the Village Board was in any way biased regarding the Siting Application?

**ANSWER:** It is TCH's contention that certain members of the Village Board were biased.

**INTERROGATORY NO. 9.** If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to any alleged bias by the Village Board;
- c. Every document or other evidentiary item relating to any alleged bias of the Village Board.

**ANSWER:** See answer to Interrogatory No. 3.

**INTERROGATORY NO. 10.** Does the Petitioner allege any grounds for a claim of fundamental unfairness other than already described in Answers to the previous interrogatories?

**ANSWER:** Yes.

**INTERROGATORY NO. 11.** If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact, opinion, statement, declaration, assertion or evidentiary item of any type or kind within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, conversation, declaration, assertion or writing relating to any alleged fundamental unfairness;
- c. Every document or other evidentiary item relating to any alleged fundamental unfairness.

**ANSWER:** In accordance with Illinois Supreme Court Rule 213(e), see the following documents:

1. Findings And Recommendations of the Hearing Officer (C04355.036-C04355.038, C04355.044, C04355.050-C04355.052, C04355.055, C04355.058-C04355.060, C04355.066-C04355.07, C04355.069-C04355.070) and references cited therein.
2. Village of Round Lake Park Board Meeting Minutes October 1, 2013 (C04496-C04497)
3. Transcript of Village Board deliberations on December 11, 2013 (C03904, C03905-C03907, C03918-C03920, C03976-C03977)

Investigation continues.

**INTERROGATORY NO. 12.** Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion i (need)?

**ANSWER:** Yes.

**INTERROGATORY NO. 13.** If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion i (need) upon which the Petitioner relies in making that assertion.

**ANSWER:** In accordance with Illinois Supreme Court Rule 213(e), see the following documents:

1. Timber Creek Homes' Proposed Findings and Conclusions (C04135-C04151) and references cited therein.
2. Findings And Recommendations of the Hearing Officer (C04355.039-C04355.044) and references cited therein.
3. Transcript of Village Board vote on December 12, 2013 (C03894-C03917)
4. Village of Round Lake Park Board Meeting Minutes December 12, 2013 (C04524)
5. Village of Round Lake Park Resolution No. 13-09 (C04579-C04623)

**INTERROGATORY NO. 14.** Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion ii (public health, safety, and welfare)?

**ANSWER:** Yes.

**INTERROGATORY NO. 15.** If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion ii (public health, safety, and welfare) upon which the Petitioner relies in making that assertion.

**ANSWER:** In accordance with Illinois Supreme Court Rule 213(e), see the following documents:

1. Timber Creek Homes' Proposed Findings and Conclusions (C04151-C04164) and references cited therein.
2. Findings And Recommendations of the Hearing Officer (C04355.045-C04355.052) and references cited therein.
3. Transcript of Village Board vote on December 12, 2013 (C03917-C03924, C03971-C03973)
4. Village of Round Lake Park Board Meeting Minutes December 12, 2013 (C04524)
5. Village of Round Lake Park Resolution No. 13-09 (C04579-C04623)

**INTERROGATORY NO. 16.** Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion iii (compatibility with the character of the surrounding area)?

**ANSWER:** Although not specified in the parenthetical, it is assumed that this Interrogatory is directed at both clauses of criterion iii – compatibility with the character of the surrounding area and minimization of impact on property values. The answer with respect to both clauses is yes.

**INTERROGATORY NO. 17.** If the answer to your foregoing Interrogatory is “yes”, then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion iii (compatibility with the character of the surrounding area) upon which the Petitioner relies in making that assertion.

**ANSWER:** In accordance with Illinois Supreme Court Rule 213(e), see the following documents:

1. Timber Creek Homes' Proposed Findings and Conclusions (C04164-C04177) and references cited therein.
2. Findings And Recommendations of the Hearing Officer (C04355.053-C04355.061) and references cited therein.
3. Transcript of Village Board vote on December 12, 2013 (C03974-C03980)
4. Village of Round Lake Park Board Meeting Minutes December 12, 2013 (C04524)



5. Village of Round Lake Park Resolution No. 13-09 (C04579-C04623)

**INTERROGATORY NO. 18.** Is it Petitioner's contention that the decision by the Village Board was against the manifest weight of the evidence regarding statutory criterion vi (minimization of impact on traffic)?

**ANSWER:** Yes.

**INTERROGATORY NO. 19.** If the answer to your foregoing Interrogatory is "yes", then please identify with specificity:

- a. Every fact within Petitioner's knowledge which is relied upon in making that assertion;
- b. Each statement, declaration, assertion, or conversation relating to your contention;
- c. Every document or other evidentiary item relating to statutory criterion vi (minimization of impact on traffic) upon which the Petitioner relies in making that assertion.

**ANSWER:** In accordance with Illinois Supreme Court Rule 213(e), see the following documents:

1. Timber Creek Homes' Proposed Findings and Conclusions (C04177-C04188) and references cited therein.
2. Findings And Recommendations of the Hearing Officer (C04355.062-C04355.067) and references cited therein.
3. Transcript of Village Board vote on December 12, 2013 (C03980-C03991)
4. Village of Round Lake Park Board Meeting Minutes December 12, 2013 (C04524)
5. Village of Round Lake Park Resolution No. 13-09 (C04579-C04623)

**INTERROGATORY NO. 20.** If your answer to Request to Admit No. 11 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner made a motion regarding fundamental fairness in the siting process and procedures. Please include the name of the individual making the motion, the date and time of such motion, and the specific content of such motion.

**ANSWER:** See Response to Request to Admit No. 11.

**INTERROGATORY NO. 21.** If your answer to Request to Admit No. 12 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner objected regarding bias in the siting process and procedures. Please include the name of the individual making the objection, the date and time of such objection, and the specific content of such objection.

**ANSWER:** In accordance with Illinois Supreme Court Rule 213(e), see the following documents:

1. Siting hearing transcript. (C03234, C03236-03237)
2. Timber Creek Homes' Proposed Findings and Conclusions (C04190-04194) and references cited therein.
3. Timber Creek Homes' Response to Co-Applicant's Motion to Strike. (C04355.028-C04355.030)
4. Findings And Recommendations of the Hearing Officer (C04355.037) and references cited therein.

**INTERROGATORY NO. 22.** If your answer to Request to Admit No. 13 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner objected regarding pre-adjudication in the siting process and procedures. Please include the

name of the individual making the objection, the date and time of such objection, and the specific content of such objection.

**ANSWER:** See Answer to Interrogatory No. 21.

**INTERROGATORY NO. 23.** If your answer to Request to Admit No. 14 is anything other than an unequivocal admission, please identify precisely the manner in which Petitioner objected regarding the fundamental fairness of the siting process and procedures. Please include the name of the individual making the objection, the date and time of such objection, and the specific content of such objection.

**ANSWER:** See Answer to Interrogatory No. 21.

**INTERROGATORY NO. 24.** Please identify the name, current address, and current telephone number of all witnesses who will testify at the Hearing for Petitioner, and the subject of each individual's testimony.

**ANSWER:** TCH objects to this Interrogatory because it is premature (no responses to TCH's discovery requests have been provided yet, and no depositions have yet been taken).

**INTERROGATORY NO. 25.** Please identify and list any and all documents which will be introduced into evidence at the Hearing, and the purpose and content of each such document.

**ANSWER:** TCH objects to this Interrogatory because it is premature (no responses to TCH's discovery requests have been provided yet, and no depositions have yet been taken).

**INTERROGATORY NO. 26.** Please identify any and all communications between TCH or any of its agents and attorneys, including but not limited to Mr. Larry Cohn and Mr.

Michael Blazer, and any Trustee or member of the Village of Round Lake Village Board at any time since June 21, 2013.

**ANSWER:** None other than what is reflected in the hearing record and occasional pleasantries during the hearing.

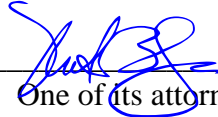
**INTERROGATORY NO. 27.** Please identify any and all communications between TCH or its agents or attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, and any waste company, transfer station operator, or other competitor to Groot concerning the Siting Application or the siting process or procedures.

**ANSWER:** At an unknown date in the past, Mr. Larry Cohn had a brief conversation with an employee of Waste Management, Inc., whose name Mr. Cohn does not recall, regarding the Groot proposal for a garbage transfer station in an attempt to be able to talk to a company executive in hopes of obtaining financial assistance in contesting the application. The attempt was unsuccessful as no such contact ensued and the matter was dropped by Mr. Cohn.

**INTERROGATORY NO. 28.** Please identify any and all changes in service agreements between TCH or any of its affiliates, including subsidiaries, parent companies, or business entities under the same ownership as TCH, and any waste company or transfer station operator since January 2013.

**ANSWER:** None.


Timber Creek Homes, Inc.

By:  \_\_\_\_\_  
One of its attorneys

Michael S. Blazer (ARDC No. 6183002)  
Jeffery D. Jeep (ARDC No. 6182830)  
Jeep & Blazer, LLC  
24 N. Hillside Avenue, Suite A  
Hillside, IL 60162  
(708) 236-0830  
Fax: (708) 236-0828  
[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)  
[jdjeep@enviroatty.com](mailto:jdjeep@enviroatty.com)

**CERTIFICATION**

Under penalties as provided by Section 1-109 of the Illinois Code of Civil Procedure, the undersigned hereby certifies that he is the President of Timber Creek Homes, Inc., the Petitioner herein, and its duly authorized agent in this regard; that he has read the above and foregoing ANSWERS TO INTERROGATORIES and knows the contents thereof, and the same are true to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Larry Cohn

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of PETITIONER'S ANSWERS TO INTERROGATORIES to be served on the following, via electronic mail transmission, on this 31<sup>st</sup> day of March, 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](mailto:Brad.Halloran@illinois.gov)

*For Groot Industries, Inc.*

Charles F. Helsten  
Richard S. Porter  
Hinshaw and Culbertson  
100 Park Avenue  
Rockford, IL 61101-1099  
[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)  
[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)

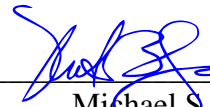
Peggy L. Crane  
Hinshaw and Culbertson  
416 Main Street, 6th Floor  
Peoria, IL 61602  
[pcrane@hinshawlaw.com](mailto:pcrane@hinshawlaw.com)

*For the Village of Round Lake Park Village Board*

Peter S. Karlovics  
Law Offices of Rudolph F. Magna  
495 N Riverside Drive, Suite 201  
Gurnee, IL 60031-5920  
[PKarlovics@aol.com](mailto:PKarlovics@aol.com)

*For the Round Lake Park*

Glenn Sechen  
The Sechen Law Group  
13909 Laque Drive  
Cedar Lake, IN 46303-9658  
[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)



---

Michael S. Blazer  
One of the attorneys for  
Petitioner

**EXHIBIT C**



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

Now comes petitioner, Timber Creek Homes, LLC (“TCH”), by its attorneys, Jeep & Blazer, LLC, and hereby submits its Response to the Request for Production of Documents served by respondent Groot Industries, Inc. (“Groot”).

**REQUEST NO. 1:**

Any and all documents relating to or purporting to show any alleged pre-adjudication of Groot's Siting Application by the Village or Village Board.

**RESPONSE:** See documents identified in TCH’s Answers to Interrogatories, all of which are either in the record of the siting hearing or are the subject of TCH’s Request to Admit served on the Village of Round Lake Park (“VRLP”) and the Round Lake Park Village Board (the “Village Board”). Investigation continues.

**REQUEST NO. 2:**

Any and all documents relating to or purporting to show any alleged bias in the siting process or procedure in this matter, including the deliberation and decision making process engaged in by the Village or the Village Board related to the Siting Application, either before or after the Village Board's decision on December 12, 2013.

**RESPONSE:** See Response to Request No. 1.

**REQUEST NO. 3:**

Any and all documents concerning or relating to any alleged lack of fundamental fairness of the siting hearing, procedure, process, or decision of the Village Board related to the Siting Application.

**RESPONSE:** See Response to Request No. 1.

**REQUEST NO. 4:**

Any and all documents relating to the alleged usurpation of the Village Board's authority by the hearing officer in the hearing, procedure, process, or decision of the Village Board related to the Siting Application, either before or after the Village Board's decision on December 12, 2013.

**RESPONSE:** See documents identified in TCH's Answer to Interrogatory No. 11, all of which are either in the record of the siting hearing or are the subject of TCH's Request to Admit served on VRLP and the Village Board. Investigation continues.

**REQUEST NO. 5:**

Any and all documents relating to the alleged failure of the Village Board to perform its statutory duty regarding the Siting Application, either before or after the Village Board's decision on December 12, 2013.

**RESPONSE:** See Response to Request No. 4.

**REQUEST NO. 6:**

All documents which purport to show any alleged *ex parte* or improper contacts by anyone with the Village or Village Board concerning the Siting Application.

**RESPONSE:** See Answer to Interrogatory No. 6.

**REQUEST NO. 7:**

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion i.

**RESPONSE:** See documents identified in TCH's Answer to Interrogatory No. 13, all of which are in the record of the siting hearing.

**REQUEST NO. 8:**

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion ii.

**RESPONSE:** See documents identified in TCH's Answer to Interrogatory No. 15, all of which are in the record of the siting hearing.

**REQUEST NO. 9:**

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion iii.

**RESPONSE:** See documents identified in TCH's Answer to Interrogatory No. 17, all of which are in the record of the siting hearing.

**REQUEST NO. 10:**

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion vi.

**RESPONSE:** See documents identified in TCH's Answer to Interrogatory No. 19, all of which are in the record of the siting hearing.

**REQUEST NO. 11:**

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion viii.

**RESPONSE:** The following items are all in the record of the siting hearing:

1. Timber Creek Homes' Proposed Findings and Conclusions (C04188-C04190) and references cited therein.
2. Findings And Recommendations of the Hearing Officer (C04355.068-C04355.070) and references cited therein.
3. Transcript of Village Board vote on December 12, 2013 (C03889, C03890-C03891)
4. Village of Round Lake Park Board Meeting Minutes December 12, 2013 (C04524)
5. Village of Round Lake Park Resolution No. 13-09 (C04579-C04623)

**REQUEST NO. 12:**

All documents not provided pursuant to one of the Requests above, which relate to any issue raised in the Petition filed herein.

**RESPONSE:** Unknown at this time. Investigation continues.

**REQUEST NO. 13:**

## Electronic Filing - Received, Clerk's Office : 05/07/2014

Any and all documents or things set forth or referred to in TCH's Answers to Interrogatories, propounded herewith.

**RESPONSE:** To the extent this Request encompasses the subjects of Interrogatories 24 and 25, TCH objects to this Request on the same bases. All other documents are either in the record of the siting hearing or are the subject of TCH's Request to Admit served on VRLP and the Village Board.

### **REQUEST NO. 14:**

Any and all documents related to any communications between TCH or any of its agents and attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, and any Trustee or member of the Village of Round Lake Village Board at any time since June 21, 2013.

**RESPONSE:** See Answer to Interrogatory No. 26.

### **REQUEST NO. 15:**

Any and all communications between TCH or its agents or attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, between any waste company, transfer station operator, or other competitor to Groot concerning the Siting Application or the siting procedures and process, including the public hearing concerning the Application.

**RESPONSE:** See Answer to Interrogatory No. 27.

### **REQUEST NO. 16:**

Any and all documents related to any change in service agreement between TCH or any of its affiliates, including subsidiaries, parent companies, or business entities under the same ownership as TCH, and any waste company or transfer station operator since January 2013.

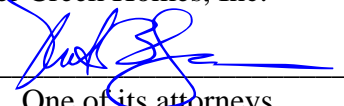
**RESPONSE:** See Answer to Interrogatory No. 28.

### **REQUEST NO. 17:**

It is further requested that each party and/or his or its attorney in compliance with this request for production shall furnish an Affidavit stating whether the production is complete.

**RESPONSE:** See Certification.

Timber Creek Homes, Inc.

By:   
One of its attorneys

Michael S. Blazer (ARDC No. 6183002)  
Jeffery D. Jeep (ARDC No. 6182830)  
Jeep & Blazer, LLC  
24 N. Hillside Avenue, Suite A  
Hillside, IL 60162  
(708) 236-0830  
Fax: (708) 236-0828  
[mblazer@enviroatty.com](mailto:mblazer@enviroatty.com)  
[jdjeep@enviroatty.com](mailto:jdjeep@enviroatty.com)

**CERTIFICATION**

Under penalties as provided by Section 1-109 of the Illinois Code of Civil Procedure, the undersigned hereby certifies that he is the President of Timber Creek Homes, Inc., the Petitioner herein, and its duly authorized agent in this regard; that he has read the above and foregoing RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS and knows the contents thereof, and to the best of his knowledge, information and belief states that production is complete insofar as it encompasses documents currently in the possession of or available to TCH.

  
Larry Cohn

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of PETITIONER'S RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS to be served on the following, via electronic mail transmission, on this 31<sup>st</sup> day of March, 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](mailto:Brad.Halloran@illinois.gov)

*For Groot Industries, Inc.*

Charles F. Helsten  
Richard S. Porter  
Hinshaw and Culbertson  
100 Park Avenue  
Rockford, IL 61101-1099  
[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)  
[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)

Peggy L. Crane  
Hinshaw and Culbertson  
416 Main Street, 6th Floor  
Peoria, IL 61602  
[pcrane@hinshawlaw.com](mailto:pcrane@hinshawlaw.com)

*For the Village of Round Lake Park Village Board*      *For the Round Lake Park Board*

Peter S. Karlovics  
Law Offices of Rudolph F. Magna  
495 N Riverside Drive, Suite 201  
Gurnee, IL 60031-5920  
[PKarlovics@aol.com](mailto:PKarlovics@aol.com)

Glenn Sechen  
The Sechen Law Group  
13909 Laque Drive  
Cedar Lake, IN 46303-9658  
[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)



---

Michael S. Blazer  
One of the attorneys for  
Petitioner

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of Petitioner's RESPONSE TO NOTICE OF RULE 206(a)(1) DEPOSITION OF PETITIONER TIMBER CREEK HOMES, INC. to be served on the following, via electronic mail transmission, on this 7<sup>th</sup> day of May, 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](mailto:Brad.Halloran@illinois.gov)

*For Groot Industries, Inc.*

Charles F. Helsten  
Richard S. Porter  
Hinshaw and Culbertson  
100 Park Avenue  
Rockford, IL 61101-1099  
[chelsten@hinshawlaw.com](mailto:chelsten@hinshawlaw.com)  
[rporter@hinshawlaw.com](mailto:rporter@hinshawlaw.com)

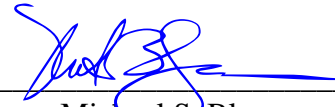
Peggy L. Crane  
Hinshaw and Culbertson  
416 Main Street, 6th Floor  
Peoria, IL 61602  
[pcrane@hinshawlaw.com](mailto:pcrane@hinshawlaw.com)

*For the Round Lake Park Village Board*

Peter S. Karlovics  
Law Offices of Rudolph F. Magna  
495 N Riverside Drive, Suite 201  
Gurnee, IL 60031-5920  
[PKarlovics@aol.com](mailto:PKarlovics@aol.com)

*For the Village of Round Lake Park*

Glenn Sechen  
The Sechen Law Group  
13909 Laque Drive  
Cedar Lake, IN 46303-9658  
[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)



---

Michael S. Blazer  
One of the attorneys for  
Petitioner