

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 May 12, 2014 before 4:30 p.m., I filed the attached 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 12th day of May, 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

Glenn C. Sechen  
The Sechen Law Group, PC  
13909 Laque Drive  
Cedar Lake, IN 46303  
312-550-9220  
[glenn@sechenlawgroup.com](mailto:glenn@sechenlawgroup.com)

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

**MOTION IN LIMINE**

Now comes the Respondent, the Village of Round Lake Park ("RLP") by its counsel, the Sechen Law Group, PC, and for its Motion in Limine states as follows:

1. RLP hereby adopts and incorporates by reference herein the Motion in Limine filed by the Respondent, Groot Industries.

2. Paragraph 7 of the TCH petition alleges in relevant part:

The local siting review procedures, hearings, decision, and process, individually and collectively, were fundamentally unfair in at least two respects. ... Second, the Hearing Officer, appointed to oversee the hearing process and render proposed findings and conclusions, usurped the authority of the Village Board by making determinations that were beyond the scope of his authority and that were solely the province of the Village Board. The Village Board in turn failed in its statutory duty to make those determinations.

3. It remains wholly vague and unclear, despite the approaching hearing, specifically what determinations of the hearing officer below TCH refers to in its Petition as being solely within the province of the Village Board and beyond the scope of the authority of that hearing officer and likewise it remains vague and unclear regarding what determination, in the view of TCH, the Village Board in turn failed to make.

4. Fundamental fairness and due process require more particularly when viewed in light of the previously litigated motions including motions to strike and dismiss.

5. In addition, TCH's allegations regarding RLP's Appraiser, Mr. Kleszynski, do not rise to the level of fundamental fairness as Mr. Kleszynski was cross examined on those issues at the hearing and those issues were considered by the Village Board in reaching its decision. TCH did not depose Mr. Kleszynski.

WHEREFORE, Respondent, the Village of Round Lake Park, prays that the Motion in Limine be granted and that evidence regarding the aforesaid be barred at hearing.

Respectfully submitted,  
Village of Round Lake Park

By *Glenn C. Sechen*  
One of its Attorneys

Glenn C. Sechen  
The Sechen Law Group, PC  
13909 Laque Drive  
Cedar Lake, IN 46303  
312-550-9220

**SERVICE LIST**

**CLERK AND DEPUTY CLERK, VILLAGE OF ROUND LAKE PARK**

Karen Eggert, Clerk  
Cindy Fazekas, Deputy Clerk  
Village of Round Lake Park  
203 E. Lake Shore Drive  
Round Lake Park, IL. 60073  
keggert@villageofroundlakepark.com  
Cfazekas@RoundLakePark.us

**COUNSEL FOR THE VILLAGE BOARD  
VILLAGE OF ROUND LAKE PARK**

Peter Karlovics  
Magna & Johnson  
495 N. Riverside Drive  
Suite 201  
P.O. Box 705  
Gurnee, Illinois 60031  
pkarlovics@aol.com

**COUNSEL FOR TIMBER CREEK HOMES**

Michael S. Blazer  
Jeffery D. Jeep  
Jeep & Blazer, LLC  
24 N. Hillside Avenue  
Suite A  
mblazer@enviroatty.com  
jdjeep@enviroatty.com

**COUNSEL FOR GROOT INDUSTRIES**

Charles F. Helsten  
Richard S. Porter  
Hinshaw Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389  
chelsten@hinshawlaw.com  
rporter@hinshawlaw.com

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

Peggy L. Crane  
Hinshaw & Culbertson LLP  
416 Main Street, 6<sup>th</sup> Floor  
Peoria, IL 61602  
pcrane@hinshawlaw.com