

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROXANA LANDFILL, INC.)
)
 Petitioner,)
)
 v.)
)
 VILLAGE BOARD OF THE VILLAGE OF)
 CASEYVILLE, ILLINOIS; VILLAGE OF)
 CASEYVILLE, ILLINOIS; and)
 CASEYVILLE TRANSFER STATION, L.L.C.)
)
 Respondents.)

No. PCB 15-65
 (Third Party Pollution Control
 Facility Siting Appeal)

VILLAGE OF FAIRMONT CITY, ILLINOIS,)
)
 Petitioner,)
)
 v.)
)
 VILLAGE OF CASEYVILLE, ILLINOIS BOARD)
 OF TRUSTEES and CASEYVILLE TRANSFER)
 STATION, L.L.C.)
)
 Respondents.)

No. PCB 15-69
 (Third Party Pollution Control
 Facility Siting Appeal)
 (Consolidated)

**RESPONDENTS', VILLAGE BOARD OF THE VILLAGE OF CASEYVILLE
 AND VILLAGE OF CASEYVILLE, ILLINOIS,
 MOTION TO QUASH DEPOSITION SUBPOENAS**

NOW COME, Respondents', Village of Caseyville, Illinois and Village Board of the Village of Caseyville, by and through their attorney and for their Motion to Quash Deposition Subpoenas, states as follows:

1. The Pollution Control Board Rules provide as follows, "Service of the subpoena on the witness must be completed not later than ten (10) before the date of the required appearance." 35 Ill.Admin. Code 101.622(b).
2. Counsel for Petitioner Roxana Landfill, Inc., first emailed the undersigned counsel subpoenas for discovery depositions of Kerry Davis, Rob Watt, Leslie McReynolds, and Wally

Abernathy on October 14, 2014 at 8:49 p.m. See email and attached subpoenas attached hereto as Exhibit A.

3. That Mr. Davis, Mr. Watt, Ms. McReynolds, and Mr. Abernathy were not served with subpoenas for their depositions until the evening of Wednesday, October 15, 2014.

4. The Petitioner issued these subpoenas despite being informed of the unavailability of Kerry Davis and Rob Watt.

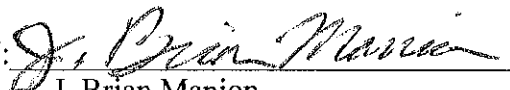
5. That counsel for Respondents has made numerous attempts via email and phone to provide alternative dates and times for Petitioner to obtain the testimony of Mr. Davis and Mr. Watt.

6. That the deposition subpoenas should be quashed because they are invalid and unenforceable because they were not served upon the witnesses ten (10) days or more before the witnesses' required appearance at the depositions to be conducted on October 21 and 22, 2014.

WHEREFORE, Respondents', Village of Caseyville, Illinois and Village Board of the Village of Caseyville, respectfully request that the hearing officer enter an order quashing the subpoenas for depositions and for such other relief as may be deemed just and equitable under the circumstances.

Respectfully Submitted,

WEILMUNSTER LAW GROUP, P.C.

BY: 
J. Brian Manion
IL No. 06283445

3201 West Main Street
Belleville, IL 62226
(618) 257-2222 – phone
(618) 257-2030 – fax

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Belleville, Illinois, on the 20th day of October, 2014.

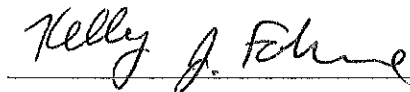
Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Donald J. Moran
Pedersen & Houpt
161 N. Clark Street
Suite 2700
Chicago, IL 60601

Jennifer J. Sackett Pohlenz
Clark Hill PLC
150 N. Michigan Avenue
Suite 2700
Chicago, IL 60601

Penni S. Livingston
Livingston Law Firm
5701 Perrin Road
Fairview Heights, IL 62208

Robert J. Sprague
Sprague & Urbana
26 E. Washington Street
Belleville, Illinois 62220



J. Brian Manion

From: Pohlenz, Jennifer Sackett <JPohlenz@ClarkHill.com>
Sent: Tuesday, October 14, 2014 8:49 PM
To: rwatt@caseyville.org; leslie01@caseyville.org
Cc: penni@livingstonlaw.biz; J. Brian Manion <jbm@weilmuensterlaw.com>
(jbm@weilmuensterlaw.com); Donald J. Moran (dmoran@pedersenhoupt.com)
Subject: FW: Subpoenas for Deposition and Public Hearing
Attachments: Subpoena - Kerry Davis.pdf; Subpoena - Rob Watt.pdf; Subpoena - Leslie McReynolds.pdf; Subpoena - Wally Abernathy, (3).pdf; Subpoena for public hearing- Wally Abernathy.pdf; Subpoena for public hearing- Kerry Davis.pdf; Subpoena for public hearing- Rob Watt.pdf; Subpoena for public hearing- Leslie McReynolds.pdf

Please see attached subpoenas for Mr. Watt and Ms. McReynolds.

Regards,

Jennifer

Jennifer J. Sackett Pohlenz

CLARK HILL PLC

150 N Michigan Ave | Suite 2700 | Chicago, Illinois 60601
312.985.5912 (direct) | 312.985.5971 (fax) | 312.802.7810 (cell)
jpohlenz@clarkhill.com | www.clarkhill.com

From: Pohlenz, Jennifer Sackett
Sent: Tuesday, October 14, 2014 4:23 PM
To: penni@livingstonlaw.biz; J. Brian Manion <jbm@weilmuensterlaw.com> (jbm@weilmuensterlaw.com)
Cc: Donald J. Moran (dmoran@pedersenhoupt.com)
Subject: Subpoenas for Deposition and Public Hearing

I am enclosing subpoenas for depositions and, separately, for the public hearing.

Regards,

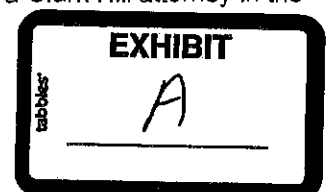
Jennifer

Jennifer J. Sackett Pohlenz

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312.985.5912 (direct) | 312.985.5971 (fax) | 312.802.7810 (cell)
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Before the Illinois Pollution Control Board

ROXANNA LANDFILL, INC.)	
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Complainant/Petitioner,)	PCB PCB 15-65
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v.)	
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VILLAGE BOARD OF THE VILLAGE OF)	
CASEYVILLE, ILLINOIS; VILLAGE OF)	
CASEYVILLE ILLINOIS; and CASEYVILLE)	
TRANSFER STATION, LLC)	
)	
Respondent.)	

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: Via Personal Service
 Kerry Davis, Village Board Member, Village of Caseyville
 Village of Caseyville
 909 South Main Street
 Caseyville, Illinois 62232

AND

Counsel for the Village Board and Village of Caseyville- via email
(jbm@weilmuensterlaw.com)
 J. Brian Manion
 Weilmuenster Law Group, P.C
 3201 West Main Street
 Belleville IL 62226

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2006)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to attend and give testimony at the deposition in the above-captioned matter at **11:00 a.m., on October 21, 2014, or at such other time and date as can be agreed to between the parties, at The Village Hall, Village of Caseyville, 909 South Main Street, Caseyville, Illinois 62232.**

You are also ordered to bring with you documents relevant to the matter under consideration and designated herein, books, papers, documents, or other tangible things concerning the Caseyville Transfer Station, L.L.C. pollution control facility siting application that are not contained the Record on Appeal filed with the Pollution Control Board by the Village of Caseyville.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill. Adm. Code 101.622(g) and 101.802.

ENTER:



John T. Therriault, Clerk
Pollution Control Board
Date: October 14, 2014

I served this subpoena by handing a copy to _____
_____ on _____, 20____.

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Public

Before the Illinois Pollution Control Board

ROXANNA LANDFILL, INC.)	
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Complainant/Petitioner,)	PCB PCB 15-65
)	
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CASEYVILLE ILLINOIS; and CASEYVILLE)	
TRANSFER STATION, LLC)	
)	
Respondent.)	

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: Via Email (rwatt@caseyville.org) and
Via Personal Service
 Rob Watt, Village Clerk
 Village of Caseyville
 909 South Main Street
 Caseyville, Illinois 62232

AND

Via email (jbm@weilmuensterlaw.com)
 J. Brian Manion
 Weilmuenster Law Group, P.C.
 3201 West Main Street
 Belleville IL 62226

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TRANSFER STATION, LLC)	
)	
Respondent.)	

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: Via Email (lmcreeynolds@caseyville.org) and
Via Personal Service
 Leslie McReynolds
 Village of Caseyville
 909 South Main Street
 Caseyville, Illinois 62232

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CASEYVILLE ILLINOIS; and CASEYVILLE)	
TRANSFER STATION, LLC)	
)	
Respondent.)	

SUBPOENA FOR DEPOSITION & DOCUMENTS

TO: Via Personal Service
Walter Abernathy, Village Board Member, Village of Caseyville
Village of Caseyville
909 South Main Street
Caseyville, Illinois 62232

Counsel for the Village Board and Village of Caseyville- via email
(jbm@weilmuensterlaw.com)
J. Brian Manion
Weilmuenster Law Group, P.C
3201 West Main Street
Belleville IL 62226

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