

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 13-43
	)	
BLICK'S CONSTRUCTION CO., INC.,	)	(Enforcement – Air)
an Illinois corporation, and RON BRICKER,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

To: All Parties of Record  
See attached Service List

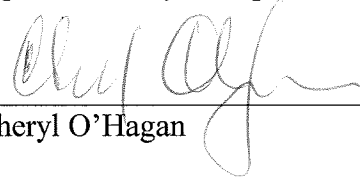
PLEASE TAKE NOTICE that on January 15, 2016, I caused to be filed with the Illinois Pollution Control Board via electronic filing the attached Notice of Filing and Respondent's Answers to Complainant's Second Set of Interrogatories, copies of which are attached hereto and herewith served upon you.

Thomas D. Lupo  
Hinshaw & Culbertson LLP  
222 North La Salle Street, Suite 300  
Chicago, Illinois 60601  
312.704.3000

Respectfully submitted,  
On behalf of Blick's Construction Co., Inc.  
By: /s/Thomas D. Lupo

**PROOF OF SERVICE**

I, the undersigned, a non-attorney, certify that I served this notice and attachments via U.S. First Class mail to each party to whom it is directed and depositing the same in the U.S. Mail at 222 North La Salle Street, Suite 300, Chicago, Illinois by 5:00 p.m. on January 15, 2016 with proper postage prepaid.

  
\_\_\_\_\_  
Cheryl O'Hagan



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**RESPONDENT'S ANSWERS TO COMPLAINANT'S  
SECOND SET OF INTERROGATORIES**

Respondent, BLICK'S CONSTRUCTION CO., INC. ("Respondent Blick's"), by its attorneys HINSHAW & CULBERTSON LLP, and in Answering Complainant, PEOPLE OF THE STATE OF ILLINOIS' Second Set of Interrogatories in accordance with Illinois Pollution Control Board Rule 101.620 and Illinois Supreme Court Rule 213, states as follows:

**PRELIMINARY STATEMENT**

Information provided in these Responses to Interrogatories is made without waiving, or intending to waive, but on the contrary preserving, and intending to preserve: (a) the right to object on the grounds of competency, privilege, relevance, materiality or any other proper grounds, to the use of any information identified or produced in response to these discovery requests for any purpose, in whole or in part, in any subsequent step or proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery procedures involving or relating to the subject matter of the requests to which Blick's has responded herein; and (c) the right at any time to revise, correct, add to or clarify any of the responses provided herein.

In addition, an inadvertent identification or production of any protected or privileged information shall not be deemed a waiver of any applicable protection or privilege with respect

to such information. All information provided by Blick's in response to these interrogatories is for use in this litigation only and for no other purpose.

Blick's has made diligent and thorough efforts to search for as complete a response as possible given the breadth of Complainant's interrogatories. Blick's reserves the right to supplement its responses to these interrogatories to the extent that Blick's subsequently identifies additional non-privileged information responsive to these interrogatories. Indeed the instructions to Complainant's First Set of Interrogatories expressly acknowledge that Blick's may supplement their answers if Blick's obtain further or supplemental information, despite the reference to a different forum.

Finally, the fact that Blick's objects to any individual interrogatory should not necessarily be taken to signify or imply that further information responsive to such interrogatory actually exists, has ever has existed or that the response is incomplete.

**GENERAL OBJECTIONS**

In response to Complainant's interrogatories, Blick's raises the following general objections which are intended to apply to each and every interrogatory:

1. Blick's objects that Defendant Complainant's interrogatories are overly broad, unduly burdensome and in some instances not reasonably calculated to lead to the discovery of admissible evidence in this action.

2. Blick's objects that certain terms or structure in Complainant's interrogatories are vague and undefined, and in response to Complainant's interrogatories Blick's has attempted to specify their interpretation of vague or undefined terms where possible in order to provide as clear a response as possible or has answered to the best of its reasonable interpretation.

3. Blick's objects to the instructions for these interrogatories to the extent that they seek to impose upon Blick's discovery obligations that are different from, or greater than, those imposed by the rules of the Pollution Control Board / Illinois Administrative Code.

4. Blick's objects to each interrogatory to the extent that it calls for the disclosure of information protected by the attorney-client privilege.

5. Blick's objects to each interrogatory to the extent that it calls for the disclosure of information which constitutes protected attorney work product and to the extent that the information requested was obtained and prepared in anticipation of litigation or for hearing or trial.

6. Blick's objects to each interrogatory to the extent that it seeks legal conclusions.

Without waiver of these objections, Blick's answers Complainant's interrogatories as follows:

### **INTERROGATORIES**

#### **INTERROGATORY NO. 14.**

Identify each person who supplied information for the answers to these interrogatories and further state for which interrogatories each person so identified, supplied information.

**ANSWER:** John Blickhan supplied the information in Respondent Blick's interrogatory responses.

#### **INTERROGATORY NO. 15.**

1. Identify the following:
  - a. Identify each person and general topics of discussion who Blick's had contact with regarding work to be done at the Site and compliance with Federal, State and/or local environmental and/or public health laws and regulations;
  - b. Identify all persons having knowledge of the operations at the Site and/or any of the facts alleged in the Complaint. Include any and all persons that Respondent intends to call

as witnesses at a hearing, and describe their relationship, if any, to Site.

**ANSWER:**

a. Jerry Maas, General Contractor. First Bankers Building demolition sub-contracting, planning and status.

Lee Austif, Triple A Asbestos. Asbestos removal sub-contracting, planning and removal.

City Permit Office. Demolition permit application.

Ron Bricker. Salvage of door frames, other materials, and related coordination.

b. See Response to Interrogatory 15(a).

**INTERROGATORY NO. 16.**

Identify each every occurrence Blick's was present at the site and the items and quantity of each item removed from the Site on each date from January 1, 2011 to the present.

**ANSWER:** See responses to Interrogatory Nos. 7 and 8. Blick's was not present at the site when any items or materials were removed.

**INTERROGATORY NO. 17.**

Identify all persons who were present at the Site when Blick's was at the Site, including the date or dates of each occurrence for each person from January 1, 2011 to the present.

**ANSWER:** See response to Interrogatory No. 16.

**INTERROGATORY NO. 18.** Identify all construction and demolition activity which occurred at the Site for each date Blick's was present at the Site from January 1, 2011 to the present.

**ANSWER:** No construction or demolition activity occurred at the Site when Blick's was present other than when Blick's visited the Site on or about May 10, 2011, when the bank, as holder of the Site's keys, had provided access to its employees and Bricker.

**INTERROGATORY NO. 19.**

Describe the location of each entry and door to access the Site and each door at the Site and the type of lock for each entry and the type of key that opened each lock at the Site.

**ANSWER:** When John Blickhan received a single key to the north door he was aware of the main front door but did not believe it was in use. He subsequently learned of a small side door when Bricker told him he had been given access and/or a key to that door by the bank. Blick's has no knowledge of the type of lock or type of key used for any of the other doors. Other than the key in Mr. Blickhan's possession, Blick's believes that the First Banker's buildings keys were always controlled by the bank.

**INTERROGATORY NO. 20.**

Identify any of the Respondent's communications with any government agency, including, but not limited to, Federal, State, County, or City, from January 1, 2010 to the present date pursuant to the definition herein, including, but not limited to, any communications requesting Respondents to cease removing material at the Site and Blick's response to the government agency's request, and the date the response action occurred and by whom.

**ANSWER:** Respondent Blick's filed an application for a demolition permit on or about April 26, 2011. Respondent Blick's is aware that the unauthorized removal of materials facilitated by the bank was stopped upon discovery but not aware of a governmental entity's involvement until after Maas Construction had hired a second demolition contractor.

**INTERROGATORY NO. 21.**

Identify any and all permit applications or other plans Respondents submitted to any government agency for approval including, but not limited to, Federal, State, County and City, related to the Site, Blick's response to any government agency's request for additional information and the date on which the government agency issued or denied any permits or approved any plans.

**ANSWER:** Respondent Blick's filed an application for a demolition permit.

**INTERROGATORY NO. 22.**

Identify all individuals, owners, operators, supervisors, managers, employees, subcontractors and/or consultants of or for Respondent who had dealings with, conferred with, corresponded or met with government regulators including, but not limited to, the Federal, State, County and City in all matters related to the Complaint, and any applications for permits or submission of plans related to the Site.

**ANSWER:** Respondent Blick's filed an application for a demolition permit.

**INTERROGATORY NO. 23.**

Pursuant to Supreme Court Rule 213(f)(1), identify all lay witnesses whom Respondent will call at hearing of this matter and for each witness so identified, state the subjects on which each such witness is expected to testify, and identify all documents on which each such witness will rely.

**ANSWER:** John Blickhan. Further witnesses will be identified.

**INTERROGATORY NO. 24.** Pursuant to Supreme Court Rule 213(f)(2), identify all independent expert witnesses whom Respondent will call at hearing of this matter, and for each such witness so identified, state:

- a. the subjects on which the witness will testify;



- b. the opinions Respondent expect to elicit; and
- c. the identity of any and all documents on which each such witness will rely.

**ANSWER:** Expert witnesses will be identified by the end of discovery.

**INTERROGATORY NO. 25.**

Pursuant to Supreme Court Rule 213(f)(3), identify all controlled expert witnesses whom Respondent will call at hearing of this matter, and for each such witness so identified, state:

- a. the subject matter on which the witness will testify;
- b. the conclusions and opinions of the witness and the bases therefore;
- c. the qualifications of the witness; and
- d. any reports or other documents prepared or relied upon by the witness about the case.

**ANSWER:** Expert witnesses will be identified by the end of discovery.

**INTERROGATORY NO. 26.**

With respect to any witness interviewed by Respondent whom Respondent do not intend to call to testify, state the name and address of any such witness, state whether a transcript of any interview with said witness was prepared, or a memorandum was prepared in connection with any such interview, and provide a summary of the facts relevant to this proceeding.

**ANSWER:** Investigation continues and will be provided.

Dated: January 15, 2016 Respectfully submitted,

On behalf of Blick's Construction Co., Inc.

/s/ Thomas D. Lupo  
Thomas D. Lupo  
One of Their Attorneys

Thomas D. Lupo  
HINSHAW & CULBERTSON LLP  
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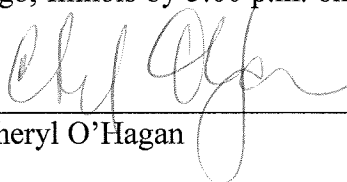
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