BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNS MANVILLE, a Delaware corporation,)	
Complainant,))	
v.)	PCB No. 14-3 (Citizen Suit)
ILLINOIS DEPARTMENT OF)	(Childen Built)
TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF FILING AND SERVICE

To: ALL PERSONS ON THE ATTACHED CERTIFICATE OF SERVICE

Please take note that today, February 8, 2018, I have filed with the Clerk of the Pollution Control Board the attached "IDOT's Proposed Discovery and Hearing Schedule" and have served each person listed on the attached service list with a copy of the same.

Respectfully Submitted,

By: <u>s/ Evan J. McGinley</u> EVAN J. McGINLEY ELLEN O'LAUGHLIN Assistant Attorneys General Environmental Bureau 69 W. Washington, 18th Floor Chicago, Illinois 60602 (312) 814-3153 <u>emcginley@atg.state.il.us</u> <u>eolaughlin@atg.state.il.us</u>

> MATTHEW J. DOUGHERTY Assistant Chief Counsel Illinois Department of Transportation Office of the Chief Counsel, Room 313 2300 South Dirksen Parkway Springfield, Illinois 62764

(217) 785-7524 Matthew.Dougherty@Illinois.gov

CERTIFICATE OF SERVICE

Johns Manville v. Illinois Department of Transportation, PCB 14-3 (Citizens)

I, EVAN J. McGINLEY, do hereby certify that, today, February 8, 2018, I caused to be

served on the individuals listed below, by electronic mail, a true and correct copy of "IDOT's

Proposed Discovery and Hearing Schedule" on each of the parties listed below:

Bradley Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 Brad.Halloran@illinois.gov

Don Brown Clerk of the Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 Don.Brown@illinois.gov

Susan Brice Lauren Caisman Bryan Cave LLP 161 North Clark Street, Suite 4300 Chicago, Illinois 60601 <u>Susan.Brice@bryancave.com</u> Lauren.Caisman@bryancave.com

Gabrielle Sigel Alexander J. Bandza Jenner & Block LLP 353 N. Clark Street Chicago, IL 60654 <u>gsigel@jenner.com</u> <u>abandza@jenner.com</u>

> <u>s/ Evan J. McGinley</u> Evan J. McGinley

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNS MANVILLE, a Delaware corporation,)	
Complainant,)	
)	PCB No. 14-3
V.)	(Citizen Suit)
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent.)	

IDOT'S PROPOSED DISCOVERY AND HEARING SCHEDULE

Pursuant to the Hearing Officer's January 17, 2018 Order, Respondent IDOT proposes

the following discovery and hearing schedule for this matter:

Deadline to complete all fact witness depositions ¹ :	March 23. 2018
(Note: Because JM has never provided IDOT with the amount of money that it seeks to obtain from IDOT in reimbursement following the Board's December 2016 order, having stated that the amount will be set forth during expert discovery, it may be necessary, after deposing JM's expert witness(es) to take additional fact witness depositions.)	
Deadline for JM to submit its expert report(s):	April 20, 2018
Deadline to depose JM's expert(s):	June 1, 2018
Deadline for IDOT to submit its expert report(s):	June 29, 2018

¹ IDOT notes that Complainant's Proposed Revised Discovery Schedule filed today, February 8, 2018, asserts that "JM believes that fact discovery has closed and proposes to move forward with expert discovery according to the following schedule. (Proposed Schedule, p. 1.) JM is mistaken and has apparently forgotten that in the Hearing Officer's June 27, 2017 order, he provided that "[a]ny and all due dates for discovery <u>are held in abeyance</u> . . . and will be discussed at the next status conference." (Emphasis added.) The Hearing Officer's subsequent July 12th and July 24th orders continued to hold all discovery in abeyance and have never been lifted by any subsequent Hearing Officer order.

Deadline for JM to depose IDOT's expert(s):	July 27, 2018
Deadline for JM to submit expert rebuttal report:	August 24, 2018
Deadline to depose JM's rebuttal expert:	September 14, 2018
Deadline to file prehearing motions, including all motions <i>in limine</i>	September 30, 2018
Deadline to file responses to all prehearing motions	October 5, 2018

Hearing to be scheduled for the week of October 15, 2018.

Respectfully Submitted,

By: <u>s/ Evan J. McGinley</u> EVAN J. McGINLEY ELLEN O'LAUGHLIN Assistant Attorneys General Environmental Bureau 69 W. Washington, 18th Floor Chicago, Illinois 60602 (312) 814-3153 <u>emcginley@atg.state.il.us</u> <u>eolaughlin@atg.state.il.us</u> mccaccio@atg.state.il.us

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