

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter Of:)	
)	
JOHNS MANVILLE, a Delaware corporation,)	
)	
)	
Complainant,)	PCB No. 14-3
)	
v.)	
)	
ILLINOIS DEPARTMENT OF TRANSPORTATION,)	
)	
)	
Respondent.)	

NOTICE OF FILING AND SERVICE

To: See Attached Service List

PLEASE TAKE NOTICE that on September 11, 2018, I caused to be filed with the Clerk of the Pollution Control Board of the State of Illinois, Complainant's *Notice of Deposition of Steven Gobelman*, a copy of which is attached hereto and herewith served upon you via e-mail. Paper hardcopies of this filing will be made available upon request.

Dated: September 11, 2018

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

Attorneys for Johns Manville

By: /s/ Lauren J. Caisman
Susan Brice, ARDC No. 6228903
Lauren J. Caisman, ARDC No. 6312465
161 North Clark Street, Suite 4300
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(312) 602-5079
susan.brice@bclplaw.com
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on September 11, 2018, I caused to be served a true and correct copy of Complainant's *Notice of Deposition of Steven Gobelman* upon all parties listed on the Service List by sending the documents via e-mail to all persons listed on the Service List, addressed to each person's e-mail address. Paper hardcopies of this filing will be made available upon request.

/s/ Lauren J. Caisman
Lauren J. Caisman

SERVICE LIST

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF DEPOSITION OF STEVEN GOBELMAN

TO: Attached Certificate of Service

PLEASE TAKE NOTICE that Complainant Johns Manville, by and through its attorneys, pursuant to Illinois Supreme Court Rule 206, 35 Ill. Admin. Code § 101.616, 35 Ill. Admin. Code § 101.622, and 735 ILCS 5/2-1003, shall take the deposition of **Steven Gobelman**.

This deposition shall take place before a court reporter, videographer, notary public, and/or other official authorized to administer oaths, at the offices of Bryan Cave Leighton Paisner LLP, 161 North Clark Street, Suite 4300, Chicago, Illinois 60601. The deposition shall be recorded stenographically and by video and shall commence on **October 2, 2018 at 9:30 a.m.** and continue from day to day thereafter until completed.

You are hereby further notified that pursuant to this notice, deponent shall, not later than **September 24, 2018**, produce the documents set forth in the attached **Exhibit A**.

Dated: September 11, 2018

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

Attorneys for Complainant Johns Manville

By: /s/ Lauren J. Caisman

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EXHIBIT A

I. INSTRUCTIONS AND DEFINITIONS

Each request is required to be answered on the basis of your entire knowledge, including all information in the possession of you, your agent(s), representative(s) and attorney(s). If any of the following requests cannot be responded to in full, respond to the extent possible, specifying the reason of or your inability to respond to the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and identifying each person whom you believe has information regarding the subject of the request. If any response is qualified in any particular way, set forth the details of such qualification. If you object to the production of any of the documents requested herein, please state the nature and basis for the objection, privilege and/or protection asserted. Please produce the documents in a fashion in which it is clear which documents are responsive to which request.

The following definitions are applicable throughout the requests that follow:

A. "Complainant," "Johns Manville" or "JM" shall mean Johns Manville and all representatives, employees, agents, attorneys or other persons or entities acting for or on behalf of it.

B. "You" or "your" shall refer to Steven L. Gobelman.

C. "IDOT" shall refer to the Illinois Department of Transportation ("IDOT") and all predecessor entities of IDOT as well as all divisions, representatives, employees, agents, attorneys, or other persons acting for or on behalf of IDOT or a predecessor entity.

D. "Document" means all written, printed, typed, punched, taped, filed or graphic matter, however produced or reproduced, of every kind and description, in any form or storage medium including but not limited to electronic data or storage, now or formerly in your actual or

constructive possession, custody, trust, care or control including but not limited to any correspondence (including letters, emails and attachments, facsimiles and any other electronic or wire transmissions, cables, telegrams, TWX's, and telexes); memoranda and notices, memoranda of conversations, conferences or telephone conversations; reports; data compilations or analyses; logs and records; photographs; books; papers; manuals; handbooks; bulletins; advisories; messages; magazines; periodicals; film strips or movies; press releases; newspaper clippings; pamphlets; studies; notations; working papers; charts; graphs; plans; drawings; diagrams; computer printouts; computer disks; computer hard drive material; electronic recordings; indexes; minutes; transcripts; contracts; agreements; leases; legal pleadings; invoices; billings; statements; accounting books or records; financial data of any kind; journals; ledgers; diaries; tax returns; bylaws; rules; regulations; constitutions; annual reports, programs; certifications; and resolutions.

E. "Communication" means any oral or written utterance or statement of any nature whatsoever, including, but not limited to, letters, facsimiles, emails, conversations, discussions and agreements between or among two or more persons, and any notations, memoranda or other documents memorializing all or part of any of the foregoing.

F. "Person" shall mean any natural person, firm, partnership, association, joint venture, corporation, governmental agency or other organization, or legal or business entity, including, without limitation, any party to this action.

G. "Relating to" means in any way comprising, describing, reflecting, embodying, contained in, referring to, connected with or pertaining or relating to, in whole or in part.

H. “Site 3” shall refer to the area known as Site 3 as defined in the AOC and located south of the Greenwood Avenue right-of-way and east of North Pershing Road in Waukegan, Illinois, including the land and subsurface that is part of this area.

I. “Site 6” shall refer to the area known as Site 6 as defined in the AOC and located on both sides of Greenwood Avenue in Waukegan, Illinois, including the land and subsurface that is part of this area

J. “Sites” shall refer to Site 3 and/or Site 6, individually or collectively.

K. “USEPA” shall mean the United States Environmental Protection Agency, its officers, directors, managers, members, agents, representatives, consultants, attorneys, employees or any person or agency acting on behalf of USEPA or under the direction or control of USEPA or its attorneys or agents.

L. “IEPA” shall mean the Illinois Environmental Protection Agency, its officers, directors, managers, members, agents, representatives, consultants, attorneys, employees or any person or agency acting on behalf of IEPA or under the direction or control of IEPA or its attorneys or agents.

M. “IPCB Order” shall refer to the Illinois Pollution Control Board’s Interim Opinion and Order dated December 15, 2016.

N. “Report” shall mean the August 22, 2018 Expert Rebuttal Report of Steven L. Gobelman on Damages Attributable to IDOT Based on IPCB Order of December 15, 2016.

O. “Matter” shall refer to the action filed by JM against IDOT, PCB No. 14-3.

P. “Dorgan Expert Report” shall mean the Expert Report of Douglas G. Dorgan, Jr. on Damages Attributable to IDOT dated June 13, 2018.

Q. “Andrews” shall mean Andrews Engineering, Inc. and all representatives, employees, agents, attorneys, consultants, temporary workers, or other persons or entities acting for or on behalf of it.

R. To the extent a term used herein is not defined above, it shall be deemed to have its commonly recognized meaning.

II. DOCUMENTS TO BE PRODUCED

You are hereby directed to produce the following documents to Complainant no later September 20, 2018, only to the extent not previously produced to JM:

1. Any and all Documents and/or Communications which You or any Person who assisted You with respect to this Matter reviewed, prepared, or edited in the course of preparing the Report or working on this Matter after December 14, 2016, including without limitation notes relating to the Matter and edits to or drafts of the Report and/or its figures or appendices (after said date).

2. Any and all Documents and/or Communications in Your possession, custody, or control relating to the IPCB Order.

3. Any and all Documents and/or Communications in Your possession, custody, or control relating to the Dorgan Expert Report.

4. Any and all Communications between You and IDOT employees or attorneys, including persons in the Illinois Attorney General’s office, sent or received after December 14, 2016, relating to JM, the Sites, this Matter, the IPCB Order, your Report, and/or the Dorgan Expert Report.

5. Any and all Communications between You and any Person at Andrews relating to JM, the Sites, this Matter, the IPCB Order, your Report, and/or the Dorgan Expert Report.

6. Any and all Documents or Communications reflecting any visit(s) of the Sites by You or any Person at Andrews since December 14, 2016, including without limitation notes, calendar invitations, photographs, or video.

7. Any and all photographs or videos of the Sites taken by You or any Person at Andrews since December 14, 2016.

8. Any and all Communications between You and USEPA since December 14, 2016 relating to JM, the Sites, this Matter, the IPCB Order, your Report, and/or the Dorgan Expert Report.

9. Any and all Communications between You and IEPA since December 14, 2016 relating to JM, the Sites, this Matter, the IPCB Order, your Report, and/or the Dorgan Expert Report.

10. Copies of all Documents or notes relating to or reflecting any interview(s) or Communications relating to this Matter between You or any Person who assisted You with respect to this Matter and any Person since December 14, 2016.

11. Any and all Documents or Communications You or any Person at Andrews has sent, created, reviewed, and/or received from any Person relating to this Matter, the Report, and/or the Dorgan Expert Report since December 14, 2016.

12. Any and all Documents or Communications, reflecting invoices or payment(s) relating to work performed by You or any other Person at Andrews relating to the Sites, this Matter, and/or Your Report since December 14, 2016.

13. Copies of all Documents cited, referred to, or referenced in the Report, including those that are listed in the Bibliography of the Report.

14. A list of matters, since July 10, 2015, for which You have provided expert opinion(s) and copies of all non-privileged Documents containing those opinions.

15. Copy of any meeting or phone logs kept by you since December 14, 2016 that contain any information relating to JM, the Sites, the Matter, the Report, the Dorgan Expert Report, and/or that contain any information relating to Communications with any Person relating to JM, the Sites, the Matter, your Report, and/or the Dorgan Expert Report.

16. All Documents relating to previous versions of the Base Maps, figures, and/or appendices created by You or any other Person that are contained in your Report.

17. All Documents relating to any linear or square feet calculations or other measurements discussed and/or referred to in your Report.

18. All Documents and/or Communications between You and Mike Nguyen relating to this Matter since December 14, 2016.

19. All Documents and Communications (including emails, figures, and/or maps) created by Mike Nguyen relating to this Matter since December 14, 2016.

20. Copies of all materials from presentations given by You relating to the implementation of, management of, execution of, plans or methodologies for, strategy for, budgets for, and/or costs environmental remediation or removal projects.

21. Copies of all articles or publications written or authored by You, in whole or in part, since July 10, 2015.

22. All Documents in Your possession, custody, or control relating the “Skill Development in Negotiations of RCRA/CERCLA Disputes” continuing education seminar referred to in the Report.

23. Any and all Documents You or any Person at Andrews received, sent, created, and/or reviewed relating to JM's "Implementation Costs" (as defined in the Dorgan Expert Report).

24. Any and all Documents You or any Person at Andrews received, sent, created, and/or reviewed relating to JM's remediation of the Sites.

25. Any and all Documents You or any Person at Andrews received, sent, created, and/or reviewed relating to the "base map" referred to in the Report and its creation.

26. Any and all Documents You or any Person at Andrews received, sent, created, and/or reviewed relating to the boundaries of Site 3, Site 6, and/or Parcel 0393, including without limitation surveys or Google images.

27. Any and all Documents You or any Person at Andrews received, sent, created, and/or reviewed relating to the location of soil sample B3-45.

28. Any and all Documents You or any Person at Andrews received, sent, created, and/or reviewed relating to the location of the City of Waukegan Water Line.

29. Any and all Documents You or any Person at Andrews received, sent, created, and/or reviewed relating to work done by any Person at any time in and around sample location areas 4S-8S as identified in your Report.

30. Any and all Documents in Your or any Person at Andrews's possession, custody or control relating to the Sites.

31. Any and all demonstrative exhibits You plan to use at hearing of this Matter.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on September 11, 2018, I caused to be served a true and correct copy of Complainant's *Notice of Deposition of Steven Gobelman* upon all parties listed on the Service List by sending the documents via e-mail to all persons listed on the Service List, addressed to each person's e-mail address. Paper hardcopies of this filing will be made available upon request.

/s/ Lauren J. Caisman
Lauren J. Caisman

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