

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED CITY OF YORKVILLE, A
MUNICIPAL CORPORATION,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY, and HAMMAN
FARMS,

Respondents.

ORIGINAL

PCB No. 08-95
(Appeal of Agency Action)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on September 5, 2008, we electronically filed with the Clerk of the Illinois Pollution Control Board, Respondent Hamman Farms' Motion for Attorney's fees, copies of which are attached hereto and hereby served upon you.

Dated: September 5, 2008

Respectfully submitted,

On behalf of HAMMAN FARMS

/s/

Charles F. Helsten
One of Its Attorneys

Charles F. Helsten
Nicola Nelson
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED CITY OF YORKVILLE, A
MUNICIPAL CORPORATION,

Complainant,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY and HAMMAN
FARMS,

Respondents.

PCB No. 08-95
(Appeal of Agency Action)

ORIGINAL

HAMMAN FARMS' MOTION FOR ATTORNEY'S FEES

NOW COMES Respondent, HAMMAN FARMS, by and through its attorneys, Charles F. Helsten and HINSHAW & CULBERTSON LLP, pursuant to 35 Ill.Adm.Code 100.101(b) and Supreme Court Rule 137, and for its Motion for Attorney's Fees, states as follows:

1. The Illinois Environmental Protection Act and the Board's Rules delineate the specific types of actions that may be filed with the Board, and provide that the Board's jurisdiction is limited to those enumerated actions. 415 ILCS 5/5(d); 2 Ill.Adm.Code 2175.600(a). No other types of actions may be filed.

2. On June 4, 2008, the United City of Yorkville (hereinafter "Yorkville") filed a Petition for Review seeking review of what it termed a "final determination" by the Illinois Environmental Protection Agency ("IEPA").

3. The subject of Yorkville's action was a finding by the IEPA that the soil characteristics and/or crop needs of the farmland owned by Hamman Farms justified a particular rate of agronomic application of landscape waste. The IEPA's finding came in response to a request by Respondent, Hamman Farms, for an agronomic rate determination pursuant to 415 ILCS 5/21(q)..

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4. When Yorkville commenced its action against Hamman Farms, it knew or should have known that the Act does not authorize an action for review of technical findings such as the one challenged in its Petition, and also knew or should have known that even if the IEPA's challenged finding had constituted the granting of a permit, it has been clear for decades that, as a matter of law, the Board lacks jurisdiction to hear Petitions by third parties challenging the IEPA's grant of a permit. (*See Landfill, Inc. v. PCB*, 74 Ill. 2d 541, 387 N.E.2d 258, 264-65 (1978)).

5. Nevertheless, Yorkville purposely filed its frivolous action with the intent to harass and annoy Respondent Hamman Farms.

6. Even after Respondent Hamman Farms brought it to Yorkville's attention that there was absolutely no jurisdiction for the Board to hear the Petition, and that the Board's lack of jurisdiction was exceedingly well-settled law, Yorkville continued to pursue its frivolous action and, in so doing, it purposely caused Hamman Farms to incur considerable litigation expenses, including, but not limited to attendance at (telephonic) hearings; preparation and briefing of a Motion to Dismiss based on the lack of jurisdiction; preparation of briefs in response to the Hearing Officer's July 24, 2008 Order; and preparation of a brief opposing the oppressive, harassing, and irrelevant discovery served by Yorkville.

7. On August 7, 2008, this Honorable Board dismissed Yorkville's action for want of jurisdiction, observing that the Board's lack of jurisdiction over the matters alleged in the Petition is well-settled law. (*See Board's Order of August 7, 2008*).

8. Although the Board's procedural rules are silent with respect to the relief available to Respondents who are subjected to such frivolous, harassing actions, the Rules provide that "the Board may look to the Code of Civil Procedure and the Supreme Court Rules for guidance where the Board's procedural rules are silent." 35 Ill. Adm. Code 101.100(b).

9. Supreme Court Rule 137 provides, in pertinent part, that:

The signature of an attorney or a party constitutes a certificate by him that he has read the pleading, motion or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded...and...is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. ... If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney fee.

Illinois Supreme Court Rule 137.

10. Here, Yorkville filed the instant action, and thereafter filed pleadings and other papers in support of that action, including, but not limited to harassing, irrelevant, and oppressive discovery, and knew or should have known that its action and its additional pleadings and papers were not well-grounded, and were thus interposed for improper purposes.

11. As a result of Yorkville's harassing conduct, Respondent Hamman Farms was forced to incur reasonable attorney's fees of \$20,325.00, as well as related expenses in the additional amount of \$265.81 to defend itself (see Exhibit A attached hereto and incorporated herein by this reference) and, accordingly, pursuant to Supreme Court Rule 137 and 35 Ill.Adm.Code 101.100(b), Respondent Hamman Farms requests that this Honorable Board enter an award in the total amount of \$20,590.81.

WHEREFORE, HAMMAN FARMS respectfully requests that the Board enter an order granting its reasonable attorney's fees of \$20,325 plus related expenses in the additional amount of \$265.81 for a total of \$20,590.81, and such other and further relief as it deems appropriate and just.

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Dated: September 5, 2008

Respectfully submitted,

On behalf of Hamman Farms

/s/
Charles F. Helsten
One of Its Attorneys

Charles F. Helsten
Nicola Nelson
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on September 5, 2008, she caused to be served a copy of the foregoing upon:

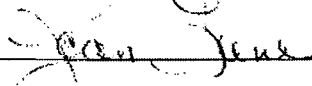
Mr. John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
therriaj@ipcb.state.il.us
(via electronic filing)

via e-mail
Thomas G. Gardiner
Michelle M. LaGrotta
GARDINER KOCH & WEISBERG
53 W. Jackson Blvd., Ste. 950
Chicago, IL 60604
tgardiner@gkw-law.com
mlagrotta@gkw-law.com

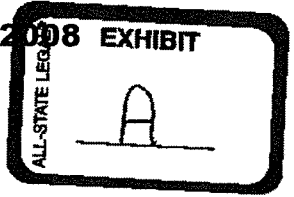
via e-mail
Michelle Ryan
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Michelle.Ryan@Illinois.gov

via email
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 w. Randolph Street
Chicago, IL 60601
hallorab@ipcb.state.il.us

A copy of the same was enclosed in an envelope in the United States mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.



PCB No. 08-95
Charles F. Helsten
Nicola A. Nelson
HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
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Respondents.

AFFIDAVIT OF CHARLES F. HELSTEN

I, Charles F. Helsten, being first duly sworn on oath, do hereby state as follows:

1. I am lead counsel of record for the Respondent Hamman Farms in the above matter;
2. In that capacity, I am familiar with all work conducted by Hinshaw & Culbertson on behalf of Hamman Farms in defense of the claim asserted by the United City of Yorkville in the above matter;
3. Attached to this Affidavit is a detailed summary of all attorneys fees and related expenses incurred on behalf of the Respondent Hamman Farms in defense of this matter. Further, based upon my twenty-nine years of practice in this area, I am familiar with attorney fee rates and expenses normally and customarily charged incurred in matters such as this, and those charges included in the attached itemization are fair and reasonable, and in accord with those billing standards.

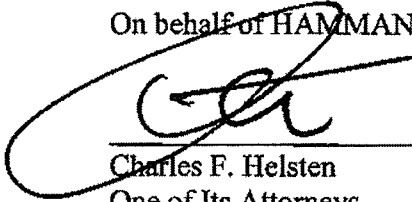
Further, the Affiant say not.

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Respectfully submitted,

On behalf of HAMMAN FARMS

A handwritten signature in black ink, appearing to be 'C. Helsten', is written over a horizontal line. The signature is stylized and somewhat cursive.

Charles F. Helsten
One of Its Attorneys

Charles F. Helsten
Nicola Nelson
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

EXHIBIT B

<u>DATE</u>	<u>ATTORNEY INITIALS</u>	<u>SERVICES</u>	<u>TIME</u>
06/10/08	NAN	TELEPHONE CALLS WITH CHARLIE MURPHY RE: STATUS AND HAMMAN FARMS' RECEIPT OF PETITION FILED BY CITY OF YORKVILLE WITH PCB; REVIEW PETITION AN COMPLAINT FILED BY CITY OF YORKVILLE IN PCB 08-95; RESEARCH JURISDICTIONAL AUTHORITY OF THE BOARD TO HEAR THE ACTIONS, AND POSSIBLE GROUNDS FOR OBTAINING DISMISSAL OF THE TWO ACTIONS; DRAFT EMAIL CORRESPONDENCE TO CHARLIE MURPHY EXPLAINING THE GROUNDS FOR DISMISSAL IDENTIFIED IN THE RESEARCH	4.5
06/11/08	NAN	CONCLUDE RESEARCH AND DRAFTING OF MEMO ANALYZING CITY OF YORKVILLE'S COMPLAINT AND PETITION FILED WITH PCB AND PROPOSING GROUNDS FOR MOTIONS TO DISMISS.	.80
06/13/08	CFH	ADDITIONAL FOLLOW-UP TELEPHONE CALL TO CLIENT.	.10
06/13/08	CFH	REVIEW OF ADDITIONAL E-MAIL COMMUNICATIONS FROM CHARLIE MURPHY, NICOLA NELSON AND GEORGE MUELLER RE: THOUGHTS ON NATURE OF RESPONSIVE PLEADING TO BE FILED TO CITY OF YORKVILLE CITIZENS SUIT .7; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON CONCERNING SAME .3	1.00
06/13/08	CFH	EXTENDED TELEPHONE CONVERSATION WITH CHARLIE MURPHY RE: MOST RECENT DEVELOPMENTS IN MATTER; ADDITIONAL EXTENDED OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON RE: ISSUES RAISED BY VILLAGE OF YORKVILLE IN BOTH PETITION AND COMPLAINT FILED	.90

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		BEFORE POLLUTION CONTROL BOARD.	
06/13/08	CFH	PRELIMINARY REVIEW OF TEN PAGE REVISED RESEARCH MEMO FROM ASSOCIATE NICOLA NELSON ON CITY OF YORKVILLE PETITION AND COMPLAINT FILED BEFORE ILLINOIS POLLUTION CONTROL BOARD .8; RESPONSE E-MAIL TO CLIENT AND CO-COUNSEL GEORGE MUELLER CONCERNING SAME .4	1.20
06/20/08	CFH	REVIEW OF TWO PAGE CHICAGO TRIBUNE ARTICLE; REVIEW OF SUBSEQUENT E-MAIL COMMUNICATION FROM IEPA BUREAU OF LAND PERMIT DIVISION CONCERNING SAME; TELEPHONE CALL TO IEPA DIRECTOR'S OFFICE CONCERNING SAME	.40
06/24/08	NAN	DETERMINE DEADLINE AND DRAFT BRIEF EXPLANATION OF THE DEADLINES IN THE PCB CASE.	.20
06/25/08	NAN	DRAFT MOTION TO DISMISS THE CITY'S PETITION SEEKING REVIEW OF IEPA'S DECISION ON THE RATE OF APPLICATION IN PCB 08-095, AND THE MEMORANDUM OF LAW IN SUPPORT OF THE MOTION TO DISMISS.	3.70
06/26/08	NAN	FINALIZE EDITS TO MOTION TO DISMISS AND MEMORANDUM OF LAW IN SUPPORT, SEEKING DISMISSAL OF PCB 08-095 (REVIEW OF IEPA DECISION ON RATE OF APPLICATION.	1.80
06/30/08	NAN	TELECONFERENCE WITH CHARLIE MURPHY RE: STATUS OF CASES BEFORE PCB.	.20
07/01/08	CFH	REVIEW OF TWO PAGE HEARING OFFICER ORDER FROM ILLINOIS POLLUTION CONTROL BOARD CONCERNING STATUS HEARING AND CITY OF YORKVILLE ACTIONS AGAINST HAMMAN FARMS; REVIEW OF ADDITIONAL E-MAIL COMMUNICATION FROM ASSOCIATE NICOLA NELSON CONCERNING SAME; RESPONSE TO SAME; REVIEW OF	.60

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		ADDITIONAL E-MAIL COMMUNICATION FROM NICOLA NELSON CONCERNING SAME; PREPARATION OF RESPONSE TO SAME.	
07/01/08	NAN	TELEPHONE CALL WITH CHARLIE MURPHY RE: STATUS AND RE: CORRESPONDENCE RECEIVED BY HAMMAN FARMS FROM PCB (SETTING STATUS HEARING IN 08-095); REVIEW FAXED NOTICES FROM AG'S OFFICE AND FROM PCB; STRATEGIZE RE: RESPONDING TO PCB AND AG; DRAFT APPEARANCE IN PCB 08-095.	.80
07/02/08	CFH	OFFICE CONFERENCE WITH NICOLA NELSON RE: 7/3/08 TELECONFERENCE WITH IPCB HARING OFFICER ASSIGNED TO MATTER AND STATUS OF FINALIZATION OF MOTIONS TO DISMISS TO BE FILED IN BOTH ACTIONS.	.70
07/02/08	NAN	STRATEGIZE RE: ARGUMENTS TO BE USED TO DEFEAT YORKVILLE'S ACTIONS BEFORE PCB. DRAFT EMAIL CORRESPONDENCE TO CHARLIE MURPHY WITH STATUS UPDATE. REVISE MOTION TO DISMISS AND BRIEF IN SUPPORT IN 08-095; PHONE CALL WITH CHARLIE MURPHY RE: STATUS AND UPCOMING CONFERENCE CALL WITH HEARING OFFICER ON 7/3/08.	3.5
07/03/08	CFH	TWO TELEPHONE CALLS WITH CHARLIE MURPHY RE: POSTPONEMENT OF TELEPHONIC STATUS CONFERENCE WITH POLLUTION CONTROL BOARD HEARING OFFICER AND OUTCOME OF IEPA FIELD INSPECTION ON SAME MORNING.	.40
07/03/08	NAN	TELEPHONE CALL TO MICHELLE LAGROTTA (ATTORNEY FOR YORKVILLE) RE: UPCOMING CONFERENCE CALL; TELEPHONE CALL TO PCB (MICHELLE RYAN) RE: THE RE-SCHEDULED CONFERENCE CALL; DRAFT EMAIL CORRESPONDENCE TO	2.90

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		CHARLIE PROVIDING STATUS UPDATE; CONTINUE DRAFTING AND REVISING MOTION TO DISMISS AND BRIEF IN SUPPORT IN PCB 08-095.	
07/07/08	NAN	TELEPHONE CALL WITH MICHELLE RYAN AT IEPA RE: TODAY'S TELECONFERENCE; BRIEF CALL TO CHARLIE MURPHY RE: 10 A.M. TELECONFERENCE; TELEPHONE CALL WITH PCB CLERK NOTIFYING PCB THAT THE BOARD HAS LISTED INCORRECT CONTACT INFORMATION ON ITS SERVICE LIST; FINALIZE AND FILE WITH THE PCB OUR MOTION TO DISMISS AND MEMO IN SUPPORT SEEKING DISMISSAL OF THE 08-095 ACTION; BEGIN DRAFTING INTERROGATORIES AND REQUESTS TO PRODUCE FOR THE 08-095 ACTION..	6.80
07/08/08	NAN	CONTINUE DRAFTING INTERROGATORIES AND REQUESTS TO PRODUCE.	2.80
07/09/08	NAN	TELEPHONE CALL WITH YORKVILLE'S ATTORNEY (MICHELLE LAGROTTA); DRAFT EMAIL CORRESPONDENCE TO PCB HEARING OFFICER OFFERING TO GIVE A TWO-WEEK EXTENSION OF DECISION DEADLINE AND REQUESTING EXPEDITED DISCOVERY; DRAFT REQUESTS FOR PRODUCTION TO PROPOUND UPON CITY OF YORKVILLE IN PCB 08-095 AND CONTINUE DRAFTING INTERROGATORIES; REVIEW MOTION TO DISMISS FILED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY IN PCB 08-095.	6.20
07/10/08	NAN	REVIEW EMAIL CORRESPONDENCE RECEIVED FROM HEARING OFFICER RE: DISCOVERY AND HEARING SCHEDULE; DRAFT CORRESPONDENCE TO IEPA COUNSEL MICHELLE RYAN RE: PRIOR EMAIL EXCHANGE BETWEEN HEARING OFFICER AND PARTIES' COUNSEL; TELEPHONE CALL TO RYAN REQUESTING CONTACT	3.00

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		INFORMATION RESPOND TO HEARING OFFICER'S INQUIRY RE: RYAN CONTACT INFORMATION; RESEARCH ADDITIONAL ARGUMENT RE: CITY'S LACK OF STANDING IN PCB 08-095 FOR USE IN REPLY BRIEF TO PRESERVE THE ISSUE OF STANDING; REVISE WRITTEN DISCOVERY TO PROPOUND IN PCB 08-095 PURSUANT TO SUGGESTIONS BY ATTORNEY RICK PORTER.	
07/10/08	RSP	REVIEW OF PRODUCTION RESPONSES AND REVIEW OF INTERROGATORY ANSWERS; DRAFT E-MAIL MAKING EXTENSIVE RECOMMENDATIONS RE: AMENDMENTS TO SAME.	2.00
07/14/08	NAN	REVIEW 2 EMAILS RECEIVED FROM HEARING OFFICER AND ONE EMAIL FROM IEPA COUNSEL; DRAFT BRIEF RESPONSE TO HEARING OFFICER'S EARLIER EMAIL REGARDING THE SCHEDULING OF THE NEXT TELECONFERENCE.	.30
07/16/08	CFH	ADDITIONAL TELEPHONE CONVERSATION WITH ASSOCIATE NICOLA NELSON CONCERNING VARIOUS PENDING MATTERS.	.30
07/16/08	RSP	REVIEW OF E-MAILS RE: REQUEST TO ADMIT AND PROVIDE ADVICE RE: SAME.	.50
07/03/08	CFH	YORKVILLE V. IEPA AND HAMMAN FARMS – REVIEW OF MOTION TO DISMISS AND PREPARATION IN PCB MATTER 08-095 AND PREPARATION OF SUGGESTED REVISIONS TO SAME; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON CONCERNING SAME; REVIEW OF BRIEF IN SUPPORT OF MOTION TO DISMISS IN PCB 08-095 ACTION, PREPARATION OF REVISIONS TO SAME; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON CONCERNING SAME; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON RE: TELEPHONE	2.10

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		CALL RECEIVED FROM CHARLIE MURPHY.	
07/03/08	CFH	ADDITIONAL TELEPHONE CALL FROM ASSISTANT ATTORNEY GENERAL ASSIGNED TO CASE CONCERNING REVISE PRE-ENFORCEMENT CONFERENCE DATE AND ISSUES TO BE DISCUSSED AT SAME; ADDITIONAL TELEPHONE CALL TO CHARLIE MURPHY CONCERNING SAME; ADDITIONAL TELEPHONE CALL TO ASSISTANT ATTORNEY GENERAL ASSIGNED TO CASE CONCERNING SAME.	.50
07/07/08	CFH	TELEPHONE CALL FROM IEPA DIVISION OF LEGAL COUNSEL; SUBSEQUENT TELEPHONE CALL TO CHARLIE MURPHY.	.30
07/15/08	NAN	DRAFT DETAILED CORRESPONDENCE (ELECTRONIC) PROVIDING STATUS OF PCB 08-095.	.20
07/17/08	NAN	REVIEW HEARING OFFICER'S ORDER ENTERED ON JULY 15, FORMALLY DESIGNATING AUG 14/15 AS THE HEARING DATES. RESEARCH FEASIBILITY OF SERVING REQUESTS TO ADMIT ON CITY OF YORKVILLE IN ADVANCE OF THE AUG. 14.15 HEARING. REVISE INTERROGATORIES AND REQUESTS FOR PRODUCTION TO PROPOUND ON CITY OF YORKVILLE, INCORPORATING SUGGESTIONS FROM ATTORNEY RICK PORTER. DRAFT EMAIL CORRESPONDENCE TO CHARLIE MURPHY AND GEORGE MUELLER REQUESTING SUGGESTIONS FOR ADDITIONAL ITEMS TO REQUEST IN WRITTEN DISCOVERY.	2.80
07/21/08	CFH	REVIEW OF TWO PAGE HEARING OFFICER ORDER; E-MAIL COMMUNICATION TO CLIENT R: SAME; REVIEW OF NOTICE OF HEARING RECEIVED FROM HEARING OFFICER.	.40
07/21/08	NAN	REVIEW YORKVILLE'S RESPONSE BRIEF IN OPPOSITION TO THE MOTION	.30

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		TO DISMISS FILED BY IEPA, AND YORKVILLE'S RESPONSE BRIEF IN OPPOSITION TO THE MOTION TO DISMISS FILED BY HAMMAN FARMS.	
07/22/08	CFH	PARTICIPATION IN TELEPHONIC STATUS CONFERENCE WITH ALL PARTIES TO CASE; SUBSEQUENT TELEPHONE CONVERSATION WITH ATTORNEYS FOR HAMMAN FARMS RE: EXPEDITED DISCOVERY ISSUES; SUBSEQUENT TELEPHONE CONVERSATION WITH COUNSEL FOR IEPA CONCERNING SAME; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON RE: SAME; PREPARATION OF E-MAIL COMMUNICATION TO CLIENT AND CO-COUNSEL CONCERNING SAME.	1.20
07/22/08	NAN	REVIEW BOARD'S DECISION IN PCB 04-088 (DES PLAINES WATERSHED CASE) CONCERNING LIMITATION ON DISCOVERY; DRAFT MEMO ADDRESSING TALKING POINTS IN RE: THE USE OF DISCOVERY IN THE PENDING ACTION BY YORKVILLE IN 08-095.	1.20
07/23/08	CFH	TELEPHONE CALL FROM ATTORNEYS FOR PETITIONER RE: PROPOSED DISCOVERY SCHEDULE; REVIEW OF RESEARCH MEMO FROM ASSOCIATE NICOLA NELSON CONCERNING ALLOWANCE OF DISCOVERY IN PERMIT APPEAL CASES AND DISCUSSION OF DES PLAINES WATER RIVER SHED ALLIANCE DECISION BY POLLUTION CONTROL BOARD AND ATTACHED MATERIALS CONCERNING SAME; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON CONCERNING SAME AND SUGGESTED MOTION FOR DETERMINATION BY HEARING OFFICER DISCOVERY AS APPROPRIATE .4; REVIEW OF SUBSEQUENT E-MAIL FROM ASSOCIATE NICOLA NELSON CONCERNING SAME AND	1.70

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		ATTACHMENT TO SAME; PREPARATION OF RESPONSE TO SAME; TELEPHONE CALL TO CHARLIE MURPHY CONCERNING SAME.	
07/23/08	CFH	REVIEW OF DRAFT MOTION FOR DETERMINATION ON DISCOVERY ISSUES AND COVER E-MAIL FROM ASSOCIATE NICOLA NELSON AND PREPARATION OF REVISIONS TO SAME; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON CONCERNING FOLLOW-UP TO SAME.	.50
07/23/08	NAN	TELEPHONE CONVERSATION WITH CHARLIE MURPHY RE: STATUS AND RE: YORKVILLE'S RESPONSE BRIEFS. TWO TELEPHONE CONVERSATIONS WITH COUNSEL FOR YORKVILLE CONCERNING DISCOVERY DEADLINES. REVIEW OF EMAIL CORRESPONDENCE FROM YORKVILLE'S COUNSEL RE: DISCOVERY. REVIEW EMAIL FROM GEORGE MUELLER RE: THE PROPOSED MOTION REQUESTING AN ORDER ON DISCOVERY. DRAFT MOTION CONCURRING WITH IEPA'S POSITION ON DISCOVERY AND REQUESTING A RULING ON DISCOVERY FROM THE HEARING OFFICER.	2.50
07/24/08	CFH	REVIEW OF E-MAIL RESPONSE FROM CO-COUNSEL GEORGE MUELLER CONCERNING OBJECTION TO DISCOVERY PROPOUNDED BY CITY OF YORKVILLE; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON RE: PREPARATION OF SUPPLEMENT TO MOTION FOR DETERMINATION ON DISCOVERY ISSUES PREVIOUSLY FILED; TELEPHONE CALL FROM CO- COUNSEL GEORGE MUELLER CONCERNING SAME.	.70
07/24/08	CFH	REVIEW OF VARIOUS ADDITIONAL CROSS E-MAILS BETWEEN CO- COUNSEL GEORGE MUELLER AND ASSOCIATE NICOLA NELSON RE: THOUGHTS ON AND STRATEGY FOR	.70

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		FILING OF ADDITIONAL RESPONSES TO PETITIONER'S ASSERTIONS; ADDITIONAL E-MAIL COMMUNICATION TO CO-COUNSEL GEORGE MUELLER AND ASSOCIATE NICOLA NELSON CONCERNING SAME.	
07/24/08	CFH	REVIEW OF ADDITIONAL E-MAIL RESPONSE FROM CO-COUNSEL GEORGE MUELLER; REVIEW OF VARIOUS ADDITIONAL E-MAIL TRANSMISSIONS AND ATTACHMENTS FROM ASSOCIATE NICOLA NELSON; REVIEW OF AND PREPARATION OF ADDITIONAL SUGGESTED REVISIONS TO SUBSEQUENT VERSIONS OF SUPPLEMENT TO PRIOR MOTION FOR HEARING OFFICER'S RULING ON DISCOVERY MATTERS; OFFICE CONVERSATION WITH ASSOCIATE NICOLA NELSON CONCERNING SAME; ADDITIONAL EXTENDED TELEPHONE CONVERSATION WITH IEPA DIVISION OF LEGAL COUNSEL CONCERNING RECENT DEVELOPMENTS IN MATTER; REVIEW OF FAX TRANSMISSION OF HEARING OFFICER ORDER COMPELLING IEPA TO FILE RECORD IN MATTER AND SETTING DATES FOR BRIEFING OF HAMMAN FARMS; MOTION FOR DETERMINATION FO APPLICABILITY OF DISCOVERY; ADDITIONAL TELEPHONE CONVERSATION WITH IEPA CONCERNING SAME.	2.30
07/24/08	NAN	REVIEW INTERROGATORIES AND REQUESTS TO PRODUCE SERVED ON HAMMAN FARMS BY CITY OF YORKVILLE; REVIEW MULTIPLE EMAILS FROM GEORGE MUELLER RE: OBJECTIONS TO YORKVILLE'S DISCOVERY, OUR DRAFTING OF A REPLY IN SUPPORT OF THE MOTION TO DISMISS, AND REVISIONS TO OUR SUPPLEMENT TO THE MOTION FOR HEARING OFFICER'S ORDER. REVIEW INTERROGATORIES AND REQUESTS TO	8.20

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		PRODUCE SERVED ON IEPA BY THE CITY OF YORKVILLE. DRAFT, AND INCORPORATE OTHERS' REVISIONS TO A SUPPLEMENT TO HAMMAN FARMS' MOTION FOR HEARING OFFICER'S ORDER, ATTACHING DISCOVERY SERVED BY YORKVILLE; BEGIN RESEARCHING AND DRAFTING REPLY BRIEF IN SUPPORT OF OUR MOTION TO DISMISS IN 08-095.	
07/28/08	CFH	REVIEW OF AND PREPARATION OF FURTHER REVISIONS TO FIRST DRAFT OF HAMMAN FARMS REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON CONCERNING SAME.	.70
07/28/08	CFH	REVIEW OF TWO PAGE HEARING OFFICER ORDER CONCERNING DIRECTIVE TO IEPA TO FILE ADMINISTRATIVE RECORD MATTER AND ADDITIONAL DIRECTIVES CONCERNING DISCOVERY MATTERS AND RESPONSES TO MOTIONS TO LIMIT DISCOVERY; SUBSEQUENT TELEPHONE CONVERSATION WITH CO-COUNSEL GEORGE MUELLER CONCERNING SAME AND VIEWS ON EXTENSION OF DECISION DEADLINE; TELEPHONE CALL TO CLIENT CONCERNING SAME AND RELATED ISSUES; TELEPHONE CALL TO PCB CONCERNING SAME.	.90
07/28/08	CFH	PREPARATION OF EXTENSION OF DECISION DEADLINE AND COVER SHEET CORRESPONDENCE TO CLERK OF ILLINOIS POLLUTION CONTROL BOARD.	.30
07/28/08	NAN	FINISH RESEARCHING AND DRAFTING REPLY BRIEF IN SUPPORT OF OUR MOTION TO DISMISS IN PCB 08-095. DRAFT MOTION FOR LEAVE TO FILE A REPLY BRIEF.	8.40
07/29/08	CFH	RETURN TELEPHONE CALL FROM PCB HEARING OFFICER CONCERNING CLARIFICATION OF MATTER SET	1.30

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		FORTH IN 7/24/08 ORDER; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON RE: SAME AND DIRECTIONS FOR FILING RESPONSE TO HEARING OFFICER'S ORDER REQUESTING POSITION OF RESPONDENT'S UNLIMITED DISCOVERY; ADDITIONAL OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON RE: SAME; TELEPHONE CONVERSATION WITH IEPA RE: IEPA'S REFUSAL TO FILE THE ADMINISTRATIVE RECORD AND SUGGESTED ALTERNATIVE STRATEGY FOR RESPONDING TO HEARING OFFICER'S ORDER IN LIGHT OF AGENCY'S REFUSAL TO FIEL RECORD.	
07/29/08	CFH	ADDITIONAL OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON.	.40
07/29/08	NAN	REVIEW HEARING OFFICER'S JULY 24 ORDER IN PCB 08-095 CONCERNING LIMITATIONS ON DISCOVERY; TELECONFERENCE WITH IEPA COUNSEL MICHELLE RYAN R: THE JULY 24 ORDER BY THE HEARING OFFICER TO THE AGENCY REQUIRING THEM TO PRODUCE THE RECORD; STRATEGIZE, RESEARCH AND DRAFT THE BRIEF CONCERNING DISCOVERY AS ORDERED BY THE HEARING OFFICER, ADDRESSING THE QUESTIONS OF INFORMATION THAT IS "RELEVANT, DISCOVERABLE, AND ADMISSIBLE IN THIS PROCEEDING THAT WAS NOT BEFORE THE AGENCY AT THE TIME THE PERMIT WA ISSUES." DRAFT EMAIL CORRESPONDENCE TO GEORGE MUELLER PROVIDING A STATUS OF RECENT DEVELOPMENTS IN THE PCB CASE.	6.40
07/30/08	CFH	REVIEW OF FINAL DRAFT OF HAMMAN FARMS' RESPONSE TO HEARING OFFICER ORDER REQUESTING PROPOSED SCOPE OF DISCOVERY; OFFICE CONFERENCE WITH ASSOCIATE NICOLA NELSON RE:	.70

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		SUGGESTED FURTHER REVISIONS TO SAME AND RELATED MATTERS.	
07/30/08	NAN	INCORPORATE CHANGES PROPOSED BY GEORGE MUELLER INTO REPLY BRIEF IN PCB 08-095 INCORPORATE CHANGES PROPOSED BY GEORGE MUELLER INTO BRIEF IN RESPONSE TO HEARING OFFICER'S ORDER IN PCB 08-095.	.90
07/31/08	NAN	TELEPHONE CALL WITH CLERK OF THE PCB RE: FILING PROBLEMS IN PCB 08-095.	.10
TOTAL HRS.			91.30

CFH = CHARLES HELSTEN TOTAL HOURS BILLED 20.30 @ \$325 = \$6,597.50

NAN = NICOLA NELSON TOTAL HOURS BILLED 68.50 @ \$190 = \$13,015.00

RSP = RICHARD PORTER TOTAL HOURS BILLED 2.50 @ 285 = \$712.50

GRAND TOTAL HOURS BILLED = \$20,325.00

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TOTAL ALL CHARGES = \$20,590.81

