

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

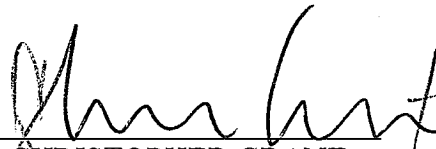
PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
vs.	)	PCB 04-16
	)	
PACKAGING PERSONIFIED, INC.,	)	(Enforcement)
an Illinois corporation,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that on May 10, 2013, Complainant filed its Response to Respondent's Motion in Limine. A copy of the document so filed is attached hereto.

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN  
Attorney General of the  
State of Illinois

BY:



CHRISTOPHER GRANT  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, #1800  
Chicago, Illinois 60602  
(312) 814-5388

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PEOPLE OF THE STATE OF ILLINOIS,	)	
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Complainant,	)	
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v.	)	PCB 04-16
	)	(Enforcement - Air)
PACKAGING PERSONIFIED, INC., an	)	
Illinois corporation,	)	
	)	
Respondent.	)	

**RESPONSE TO RESPONDENT'S MOTION TO MARK TAX DOCUMENTS AS TRADE SECRET AND RESPONSE TO CROSS-MOTION IN LIMINE**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and Responds to Respondent Packaging Personified, Inc.'s ("Packaging's) *Motion to Mark Tax Documents as Trade Secret, and Cross-Motion in Limine*, as follows:

**I. TAX DOCUMENTS**

Complainant generally agrees that the tax information produced in discovery has been held confidential by Packaging, and that full public disclosure of the information could potentially harm Packaging's business. However, Respondent brought its financial results into this case through its claim, made both at the 2009 hearing and in its Motion for Reconsideration, that it "made more money" by shutting down Press No. 4 and running all of its solvent-based printing business with only Press No.5. This claim is a major part of Packaging's alternative economic benefit of noncompliance theory.

Complainant first sought the tax information through discovery in June, 2012. After much litigation over the issue, Packaging produced its tax returns on March 14, 2013. The information reported to the IRS directly contradicts Packaging's claims. The tax information is

highly relevant, and important to Complainant's case. The Board should be presented with all relevant evidence, and is entitled to the specific reported numbers for the years at issues.

The Hearing Officer is currently investigating this issue.

## **II. RESPONSE TO CROSS-MOTION IN LIMINE**

In his response, counsel for Respondent does not object to "admission of the book chapter cited by Complainant...". However, Complainant intends to use additional material contained in Mr. Trzupsek's book *Regulators Gone Wild*, outside the specific chapter on the Packaging Personified case, to demonstrate bias.

Respondent's proposed list is overwhelmingly long, and Respondent should be required to produce any documents it intends to use at hearing at least five days prior to the May 21, 2013 hearing date. In consideration of this request, Complainant is sending the book excerpts it intends to use to counsel for Respondent. Complainant is redacting the references to specific settlement discussions contained in the material.

Complainant will object to any overbroad application of prior publications by Respondent. Only after Mr. Trzupsek has been impeached by statements indicating his bias against environmental regulation ( in general and specific to this case) and in favor of his client, will Respondent's use his prior publications be appropriate for rehabilitating the witness.

RESPECTFULLY SUBMITTED

PEOPLE OF THE STATE OF ILLINOIS  
*by* LISA MADIGAN,  
Attorney General of the State of Illinois

BY:



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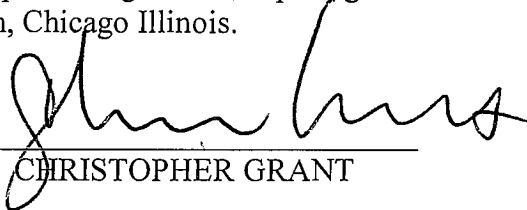
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an Illinois corporation,	)	
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**CERTIFICATE OF SERVICE**

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 10th day of May, 2013, the foregoing Response to Motion in Limine upon the persons listed below, by electronic transmission and by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.



CHRISTOPHER GRANT

Service List:

Mr. Roy Harsch  
Mr. John Simon  
Drinker Biddle Reath  
191 N. Wacker Drive, Suite 3700  
Chicago, IL 60606  
(by email and first class mail)

Mr. Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph, 11<sup>th</sup> Floor  
Chicago, Il 60601  
(by email)

Mr. John Therriault  
Clerk, Illinois Pollution Control Board  
(by electronic filing)