

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB, PRAIRIE RIVERS)
NETWORK, and NATIONAL)
ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED)
PEOPLE,)
))
Complainants,)
))
v.)
))
CITY WATER, LIGHT and POWER,)
))
Respondent.)
))

PCB 18-11
(Citizens Enforcement -
Water)

NOTICE OF FILING

TO: Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Attached Service List

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Complainants' Motion to Set Discovery Deadlines, a copy of which is hereby served upon you.

Respectfully submitted,

/s/ Faith Bugel

Faith E. Bugel
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Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com

Dated: 16th March, 2018

Attorney for Sierra Club

SERVICE LIST

City Water Light and Power
Deborah Williams, Regulatory Affairs Director
800 East Monroe
Springfield, IL – 62757
Deborah.williams@cwlp.com
(217) 789-2116

City of Springfield
James K. Zerkle
800 East Monroe, 3rd Floor
Springfield, IL – 62701
James.zerkle@springfield.il.us

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Filing, Certificate of Service and Complainants' Motion to Set Discovery Deadlines was filed electronically on March 16th, 2018 with the following:

Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were emailed on March 16th, 2018 to the parties listed on the foregoing Service List.

/s/ Faith Bugel

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Wilmette, IL 60091
(312) 282-9119
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Dated: 16th March, 2018

Attorney for Sierra Club

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OF THE STATE OF ILLINOIS**

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THE ADVANCEMENT OF)	
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)	

COMPLAINANTS' MOTION TO SET DISCOVERY DEADLINES

Pursuant to the Hearing Officer's March 14, 2018 Order in this case, Sierra Club, Prairie Rivers Network, and National Association for the Advancement of Colored People ("Citizen Groups" or "Complainants") hereby move for the adoption of the proposed pre-hearing schedule set out below.

I. Background

Despite multiple attempts, Complainants and Respondent City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power, ("CWLP" or "Respondent") have been unable to agree upon a discovery schedule. In an effort to resolve this matter, Complainants are now submitting a proposed pre-hearing schedule, which represents Complainants' initial proposal to CWLP, but adjusted by more than a month to reflect the time the parties spent in negotiations over the schedule.

In support of Complainants' schedule, which allows more than a year for discovery and the filing of dispositive motions, Complainants point to Illinois Supreme Court Rule 201(f) which states that "[t]he trial of a case shall not be delayed to permit discovery unless due diligence is shown." Ill. Sup. Ct. Rule 201(f).

II. Proposed Pre-Hearing Schedule

Complainants offer the following proposed pre-hearing schedule:

Event	Date
Fact Discovery Begins	3/30/18
Fact Depositions Begin	6/15/18
Close of Fact Discovery	8/30/18
Complainants' Expert Report Due	10/15/18
Respondent's Expert Report Due	12/7/18
Complainants' Expert Reply Due; Expert Depositions Begin	1/11/19
Close of expert discovery	2/15/19
Deadline for dispositive motions	5/3/19

As additional context for this proposal, Complainants anticipate submitting initial written discovery requests by March 30, 2018. Complainants request confirmation that all parties are required to abide by the discovery procedures and timelines laid out in PCB Rules Sections 101.618 and 101.620 (for Admissions and Interrogatories); and in Illinois Supreme Court Rule 214 (for Discovery of Documents). Furthermore, Complainants anticipate using only one expert, who would write both the initial and reply reports. In the unlikely event that Complainants rely upon more than one expert, each would submit their own initial and reply reports.

III. Conclusion

For the reasons given above, Complainants request the Hearing Officer adopt the pre-hearing schedule above in this matter.

Respectfully Submitted,

/s/ Faith Bugel

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Attorneys for Sierra Club

Dated: March 16th, 2018