

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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, Clerk
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, IL 60601

And Attached Service List

Please take notice that on March 23, 2018, I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached **RESPONSE TO MOTION TO SET DISCOVERY DEADLINES**, a copy of which is attached and served upon you.

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

By 
One of its Attorneys

Dated: March 23, 2018

Deborah J. Williams
Special Assistant Corporation Counsel
Office of Public Utilities
800 East Monroe, 4th Floor
Springfield, Illinois 62701
(217) 789-2116

**BEFORE THE POLLUTION CONTROL BOARD
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CITY WATER, LIGHT and POWER,)	
)	
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RESPONSE TO MOTION TO SET DISCOVERY DEADLINES

Respondent, The City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power (“CWLP”) (“Respondent”), by and through its counsel, hereby submits its Response to Complainants’ Motion to Set Discovery Deadlines as follows:

1. On March 14, 2018, the Hearing Officer in this matter issued an Order establishing a deadline of March 21, 2018 for Complainants to file a motion to propose discovery dates with a response deadline for alternative dates of March 28, 2018.
2. Complainants’ Motion to Set Discovery Deadlines was served on Respondent on March 19, 2018.
3. Complainants’ Motion included a Proposed Pre-Hearing Schedule and indicates that their proposal represents their “initial proposal to CWLP, but adjusted by more than a month to reflect the time the parties spent in negotiations over the Schedule.”
4. Finally, in addition to discovery dates, Complainants’ Motion requested “confirmation that all parties are required to abide by the discovery procedures and

timelines laid out in PCB Rules Section 101.618 and 101.620 (for Admissions and Interrogatories); and in Illinois Supreme Court Rule 214 (for Discovery of Documents).”

5. Rather than submitting to the Hearing Officer the remaining issues of disagreement between the parties, Complainants re-submitted their “initial proposal to CWLP, but adjusted by more than a month to reflect the time the parties spent in negotiations over the schedule.” This schedule does not reflect areas where the parties had reached agreement previously or moved closer to each other’s position. Never-the-less, the City is providing the Hearing Officer the dates and explanations previously presented to the Complainants and not artificially extended dates in order to obtain a more favorable ruling from the Hearing Officer. Respondents proposed dates and explanations are intended to be objectively reasonable while still taking into account the seven jury trials the City has scheduled during Complainants’ proposed discovery period – four of which are scheduled prior to the proposed close of fact discovery deadline of August 2018.

6. The City’s responses to the Complainants’ proposed schedule are as follows:

Event	Complainants’ Date	Respondent’s Date	Explanation
Fact Discovery Begins	3/30/18	No objection	
Fact Depositions Begin	6/15/18	8/15/18	Parties had previously reached agreement on 8/15 for fact depositions to begin
Close of Fact Discovery	8/30/18	2/28/19	The proposal of just two months for all fact witness depositions is unrealistic under our

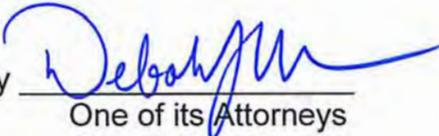
			workload; six months is realistic
Complainants' Expert Report Due	10/15/18	No objection	
Expert Depositions Begin		10/15/18 (or whenever Complainants' expert report is submitted)	Respondent must be able to depose Complainants' expert prior to submittal of its expert report
Respondent's Expert Report Due	12/7/18	2/28/19 (or 4 months after Complainants' expert report is issued)	4 months is the period of time needed to depose Complainants' expert, and then to identify and hire an expert, allow expert to review facts and issue report
Complainants' Expert Reply Due; Expert Depositions Begin	1/11/19	4/1/19 (Complainants' Expert Reply only)	No objection to 1 month following Respondent's expert report due date. However, expert depositions must begin prior to Respondent's expert report deadline.
Close of Expert Discovery	2/15/19	6/15/19	No objection to two months for Complainant to depose Respondent's expert. One month not a reasonable period of time to successfully schedule expert depositions for both parties.
Deadline for Dispositive Motions	5/3/19	9/15/19	Three months are needed for dispositive motions following discovery

WHEREFORE, for the reasons given above and pursuant to 35 Ill. Adm. Code 101.610 and 101.616, Respondent, City of Springfield, Office of Public

Utilities d/b/a City Water, Light and Power respectfully requests that the Hearing Officer issue an Order setting discovery deadlines consistent with this Response and reject Complainants' proposed discovery schedule.

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

By 
One of its Attorneys

Dated: March 23, 2018

Deborah J. Williams
Special Assistant Corporation Counsel
Office of Public Utilities
800 East Monroe, 4th Floor
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CERTIFICATE OF SERVICE

The undersigned, Deborah J. Williams, an attorney, certifies that I have served upon the individuals named on the attached Service List a true and correct copy of the **NOTICE OF FILING and RESPONSE TO MOTION TO SET DISCOVER DEADLINES** of the City of Springfield, Office of Public Utilities, d/b/a City Water, Light and Power, by e-mail from my email address (deborah.williams@cwlp.com) of this 7 page document before 5:00 p.m. on March 23, 2018 at the address provided on the attached Service List.



SERVICE LIST PCB 18-11

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