

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF FILING AND SERVICE**

To: See Attached Service List

PLEASE TAKE NOTICE that on January 23, 2019, 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: January 23, 2019

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

Attorneys for Johns Manville

By:           /s/ Lauren J. Caisman            
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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on January 23, 2019, 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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69 West Washington Street, Suite 1800  
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Illinois Pollution Control Board  
Don Brown, Clerk of the Board  
James R. Thompson Center  
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Chicago, IL 60601  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**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 **February 7, 2019 at 10:30 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 **February 4, 2019**, produce the documents set forth in the attached **Exhibit A**.

Dated: January 23, 2019

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. “Supplemental Report” shall mean the Expert Rebuttal Supplemental Report of Steven Gobelman on Damages Attributable to IDOT Based on IPCB Order of December 15, 2016 dated November 7, 2018.

P. “Affidavit” shall mean the Affidavit of Steven Gobelman that was attached to IDOT’s Response to Complainant’s Motion for Sanctions as Exhibit A and filed in this Matter on December 12, 2018.

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

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

S. “Dorgan Expert Rebuttal Report” shall mean the Expert Rebuttal Report of Douglas G. Dorgan, Jr. on Damages Attributable to IDOT dated October 25, 2018.

T. “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.

U. 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 February 4, 2019:

1. Any and all Documents and/or Communications which You reviewed, prepared, or edited in the course of preparing, or in the course of assisting preparing, the Supplemental Report or working on this Matter after September 11, 2018, 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 which You reviewed, prepared, or edited in the course of preparing, reviewing, or signing, or in the course of assisting preparing,

the Affidavit, including without limitation notes relating to the Matter and edits to or drafts of the Affidavit.

3. Any and all Documents and/or Communications in Your possession, custody, or control relating to the IPCB Order that have not previously been produced.

4. Any and all Documents and/or Communications in Your possession, custody, or control relating to the Dorgan Expert Report or Dorgan Expert Rebuttal Report that have not previously been produced.

5. Any and all Communications between You and IDOT employees or attorneys, including persons in the Illinois Attorney General's office, sent or received after September 11, 2018, relating to JM, the Sites, this Matter, the IPCB Order, the Report, the Dorgan Expert Report, the Dorgan Expert Rebuttal Report, the Affidavit, and/or the Supplemental Report.

6. Any and all Communications between You and Andrews relating to JM, the Sites, this Matter, the IPCB Order, the Report, the Dorgan Expert Report, the Dorgan Expert Rebuttal Report, the Affidavit, and/or the Supplemental Report that have not previously been produced.

7. Any and all Documents or Communications reflecting any visit(s) of the Sites by You since September 11, 2018, including without limitation notes, calendar invitations, photographs, or video.

8. Any and all photographs or videos of the Sites taken by You September 11, 2018.

9. Any and all Communications between You and USEPA since September 11, 2018 relating to JM, the Sites, this Matter, the IPCB Order, the Report, the Dorgan Expert Report, the Dorgan Expert Rebuttal Report, the Affidavit, and/or the Supplemental Report.

10. Any and all Communications between You and IEPA since September 11, 2018 relating to JM, the Sites, this Matter, the IPCB Order, the Report, the Dorgan Expert Report, the Dorgan Expert Rebuttal Report, the Affidavit, and/or the Supplemental Report.

11. Copies of all Documents or notes relating to or reflecting any interview(s) or Communications relating to this Matter between You or any Person since September 11, 2018.

12. Any and all Documents or Communications You have sent, created, reviewed, and/or received from any Person relating to this Matter, the Report, the Dorgan Expert Report, the Dorgan Expert Rebuttal Report, the Affidavit, and/or the Supplemental Report since September 11, 2018.

13. Any and all Documents or Communications, reflecting invoices or payment(s) relating to work performed by You relating to the Sites, this Matter, the Report, the Affidavit, and/or the Supplemental Report since September 11, 2018.

14. Copies of any meeting or phone logs kept by You since September 11, 2018 that contain any information relating to JM, the Sites, the Matter, the Report, the Dorgan Expert Report, the Dorgan Expert Rebuttal Report, the Affidavit, and/or the Supplemental Report, and/or that contain any information relating to Communications with any Person relating to JM, the Sites, the Matter, the Report, the Dorgan Expert Report, the Dorgan Expert Rebuttal Report, the Affidavit, and/or the Supplemental Report.

15. All Documents relating to previous versions of the Base Maps, figures, and/or appendices contained in the Supplemental Report.

16. All Documents relating to any linear or square feet calculations or other measurements discussed and/or referred to in the Supplemental Report.

17. All Documents and/or Communications between You and Mike Nguyen relating to this Matter since September 11, 2018.

18. All Documents and Communications (including emails, figures, and/or maps) created by You and/or Mike Nguyen relating to this Matter since September 11, 2018.

19. Any and all Documents You received, sent, created, and/or reviewed relating to JM's "Implementation Costs" (as defined in the Dorgan Expert Report) that have not previously been produced.

20. Any and all Documents You received, sent, created, and/or reviewed relating to JM's remediation of the Sites that have not previously been produced.

21. Any and all Documents You received, sent, created, and/or reviewed relating to the "base map" referred to in the Supplemental Report and its creation.

22. Any and all Documents You received, sent, created, and/or reviewed relating to the boundaries of Site 3, Site 6, and/or Parcel 0393 (as identified in the Dorgan Expert Report, the Report, the Supplemental Report, and/or the IPCB Order), including without limitation surveys or Google images, that have not previously been produced.

23. Any and all Documents You received, sent, created, and/or reviewed relating to the location of soil sample B3-45 (as identified in the Dorgan Expert Report, the Report, the Supplemental Report and/or the IPCB Order) that have not previously been produced.

24. Any and all Documents You received, sent, created, and/or reviewed relating to the location of the City of Waukegan Water Line (as identified in the Dorgan Expert Report, the Report, the Supplemental Report, and/or the IPCB Order) that have not previously been produced.

25. Any and all Documents You 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 the Report or the Supplemental Report that have not previously been produced.

26. Any and all Documents relating to Your decision to issue the Supplemental Report, including but not limited to Your decision to make certain changes.

27. Any and all Documents in Your possession, custody or control relating to the Sites that have not previously been produced.