



By: s/ Evan J. McGinley  
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## CERTIFICATE OF SERVICE

### *Johns Manville v. Illinois Department of Transportation, PCB 14-3 (Citizens)*

I, EVAN J. MCGINLEY, do hereby certify that, today, February 4, 2019, I caused to be served on each of the individuals listed below, by electronic mail, a true and correct copy of the attached Respondent's Responses to Complainant's Notice of Deposition to Steven Gobelman ("Notice of Deposition"). Separately, I have caused to be served on Complainant's counsel via the Illinois government file transfer website (<https://filet.illinois.gov/filet/PIMupload.asp>) a zip file containing documents which are responsive to the document requests set forth in Complainant's Notice of Deposition<sup>1</sup>.

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<sup>1</sup> The documents contained on the zip file in conjunction with IDOT's responses to the documents requests set forth in the Notice of Deposition have Bates number ranges SG 3828 through 4002. Owing to an error in the Bates numbering process for this production, there are no documents associated with Bates range SG 3900 through 3999. Additionally, some of the Bates numbers associated with this production are for documents being produced in their native format and therefore these documents have not been physically Bates numbered.

s/ Evan J. McGinley  
Evan J. McGinley

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

JOHNS MANVILLE, a Delaware	)	
corporation,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 14-3
	)	
ILLINOIS DEPARTMENT OF	)	
TRANSPORTATION,	)	
	)	
Respondent.	)	

**RESPONDENT’S RESPONSES TO  
COMPLAINANT’S NOTICE OF DEPOSITION TO STEVEN GOBELMAN**

Respondent, the ILLINOIS DEPARTMENT OF TRANSPORTATION, through its attorney, KWAME RAOUL, Attorney General of the State of Illinois, and on behalf of deponent, Steven Gobelman, herewith responds to Complainant’s Notice of Deposition to Steven Gobelman (“Deposition Notice”), as follows:

**GENERAL OBJECTIONS**

IDOT states these general objections and hereby incorporates them by reference as objections into each and every one of its responses to the document requests contained in the Deposition Notice (“Document Requests”).

1. IDOT objects to these Document Requests to the extent they seek information pertaining to issues unrelated to and beyond the scope of issues which the Board identified for subsequent hearing in its December 15, 2016 Interim Opinion and Order (hereinafter, “Interim Order”).

2. IDOT objects to these Document Requests to the extent that they are oppressive, unduly broad and burdensome, or seek information not in Mr. Gobelman’s possession, custody or control.

3. IDOT objects to these Document Requests to the extent that they are vague or ambiguous and that any response to the same would be based on speculation as to the meaning or scope of a given Document Request.

4. IDOT objects to these Document Requests to the extent that they are duplicative of any document requests which Johns Manville has previously served on IDOT in this action, particularly those document requests set forth in Johns Manville's September 11, 2018 "Notice of Deposition to Steven Gobelman".

5. IDOT objects to these Document Requests to the extent that they seek information previously available to Johns Manville or in Johns Manville's possession. The burden of obtaining the information necessary to respond to these Document Requests is the same for Johns Manville as it is for the IDOT or Mr. Gobelman.

6. IDOT objects to these Document Requests to the extent that they would require IDOT or Mr. Gobelman to produce documents to Johns Manville that Johns Manville previously produced to IDOT.

7. IDOT objects to these Document Requests to the extent they assume, imply or require any legal conclusions.

8. IDOT does not concede the relevancy of any information sought or discovered in responding to these Document Requests.

9. IDOT objects to the instructions and definitions set forth in the Deposition Notice to the extent that they require IDOT to undertake or investigate or produce information in excess of what is required of it under the Board Regulations and the Illinois Code of Civil Procedure.

## **RESPONSES TO DOCUMENT REQUESTS**

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 (sic) 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).

### **Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

### **Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

### **Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Furthermore, IDOT specifically objects to the scope of this Document Request as being outside

of the parameters of current permissible discovery and as such, will not be producing any documents which are responsive to this Request.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Furthermore, IDOT specifically objects to the scope of this Document Request to the extent that

its scope exceeds the parameters of currently permissible discovery. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

No such documents exist.

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

**Response:**

No such documents exist.

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.

**Response:**

No such documents exist.

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.

**Response:**

No such documents exist.

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.

**Response:**

No such documents exist.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

**Response:**

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT objects to this request as being overbroad and burdensome in the extreme, as literal compliance with the terms of this request would potentially require IDOT or the deponent to produce to Johns Manville copies of all of the documents which Johns Manville has produced to IDOT, as well as all pleadings and deposition transcripts which have been generated during this entire matter, in order to respond to this document request. IDOT further objects to this request as

being outside the scope of current permissible discovery in this matter and as such, will not be producing any documents which are responsive to this request.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses, which relate to Mr. Gobelman’s Supplemental Report, only.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses, which relate to Mr. Gobelman’s Supplemental Report, only.

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.

**Response:**

IDOT objects to this request as being overbroad and burdensome in the extreme, as literal compliance with the terms of this request would potentially require IDOT or the deponent to produce to Johns Manville’s copies of all of the documents which Johns Manville has produced to IDOT, as well as all pleadings and deposition transcripts which have been generated during this entire matter, in order to respond to this document request. IDOT further objects to this request as being outside the scope of current permissible discovery in this matter and as such, IDOT will not be producing any documents which are responsive to this request.

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.

**Response:**

IDOT incorporates by reference Objections 1 – 10, as if fully set forth in this response. Further responding, IDOT directs Johns Manville to the documents which it is producing concurrently with these responses.

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

**Response**

IDOT objects to this request as being overbroad and burdensome in the extreme, as literal compliance with the terms of this request would potentially require IDOT or the deponent to produce to Johns Manville copies of all of the documents which Johns Manville has produced to IDOT, as well as all pleadings and deposition transcripts which have been generated during this entire matter, in order to respond to this document request. IDOT further objects to this request as being outside the scope of current permissible discovery in this matter and as such, IDOT will not be producing any documents which are responsive to this request.

Respectfully Submitted,

By: *s/ Evan J. McGinley*  
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