

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING AND SERVICE

To: See Attached Service List

PLEASE TAKE NOTICE that on February 26, 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 Mike Nguyen*, 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: February 26, 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 February 26, 2019, I caused to be served a true and correct copy of Complainant's *Notice of Deposition of Mike Nguyen* 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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ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
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Respondent.)	

NOTICE OF DEPOSITION OF MIKE NGUYEN

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 **Mike Nguyen**.

This deposition shall take place before a court reporter, videographer, notary public, and/or other official authorized to administer oaths, at the offices of the Illinois Department of Transportation, Hanley Building, 2300 S. Dirksen Parkway, Springfield, Illinois 62764. The deposition shall be recorded stenographically and by video and shall commence on **March 20, 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 **March 11, 2019**, produce the documents set forth in the attached **Exhibit A**.

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 Mike Nguyen.
- C. "Gobelman" shall refer to Steven L Gobelman.
- D. "Andrews" shall refer to Andrews Engineering, Inc. and all representatives, employees, agents, attorneys, consultants, temporary workers, or other persons or entities acting for or on behalf of it.

E. "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.

F. "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.

G. "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 of part of any of the foregoing.

H. "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.

I. "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.

J. "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.

K. "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.

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

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

N. "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.

O. "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.

P. "Matter" shall refer to the action filed by JM against IDOT, PCB No. 14-3.

Q. 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 March 11, 2019:

1. Any and all Documents and/or Communications in Your possession, custody, or control relating to this Matter, including relating to the Report, the Supplemental Report, the Dorgan Expert Report, and/or the Dorgan Expert Rebuttal Report received after December 14, 2016, which expressly includes any and all emails or other documents exchanged between you and Gobelman, IDOT, attorneys with the Illinois Attorney General's office, and/or others at Andrews relating to this Matter.

2. Any and all Documents and/or Communications which You reviewed, prepared, received or edited in the course of preparing, or in the course of assisting in the preparation of the Report (including any figures, appendices, or exhibits thereto), the Supplemental Report (including any figures, appendices, or exhibits thereto), and/or in the course of working on this Matter after December 14, 2016.

3. Any and all of Your notes relating to the Matter and any edits to or drafts of the Report or Supplemental Report and/or their figures, exhibits, or appendices.

4. Any and all Communications between You and IDOT employees or attorneys, including persons in the Illinois Attorney General's office relating to JM, this Matter, the Report, the Supplemental Report, the Dorgan Expert Report, and/or the Dorgan Expert Rebuttal Report after December 14, 2016.

5. Any and all Documents You received, sent, created, and/or reviewed relating to the "Base Maps" and other figures based upon such "Base Maps" contained in the Report or the Supplemental Report, including without limitation any previous versions of the "base maps," figures, and/or appendices contained in the Report and/or the Supplemental Report.

6. Any and all documents used as a source or considered to be used as a source for the creation of the Base Maps contained in the Report or the Supplemental Report. Any treatises, books, on-line material or other source you relied upon in determining how to create the Base Maps and other figures contained in the Report or the Supplemental Report.