BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE CITY OF KANKAKEE, an Illinois Municipal Corporation **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-125** **(Third-Party Pollution Control Facility Siting Appeal)**
MERLIN KARLOCK, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-133** **(Third-Party Pollution Control Facility Siting Appeal)**
MICHAEL WATSON, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-134** **(Third-Party Pollution Control Facility Siting Appeal)**
KEITH RUNYON, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-135** **(Third-Party Pollution Control Facility Siting Appeal)**

WASTE MANAGEMENT OF ILLINOIS INC.,	)	
Petitioner	)	
v.	)	**No. PCB 03-144**
	)	**(Pollution Control Facility**
COUNTY OF KANKAKEE,	)	**Siting Appeal Consolidated)**
Respondent	)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on April 24, 2003 there caused to be filed via U.S. Mail with the Illinois Pollution Control Board an original and 9 copies of the following document, a copy of which is attached hereto:

City of Kankakee's Response to Waste Management of Illinois, Inc.'s Objections to the City's List of Deponents

Respectfully submitted,

The City of Kankakee

By: _____
Attorney for City of Kankakee

Prepared by:
L. Patrick Power #2244357
Corporate Counsel
956 North Fifth Ave.
Kankakee, IL 60901
(815) 937-6937

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE CITY OF KANKAKEE, an Illinois Municipal Corporation **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-125** **(Third-Party Pollution Control Facility Siting Appeal)**
MERLIN KARLOCK, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-133** **(Third-Party Pollution Control Facility Siting Appeal)**
MICHAEL WATSON, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-134** **(Third-Party Pollution Control Facility Siting Appeal)**
KEITH RUNYON, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	)	**No. PCB 03-135** **(Third-Party Pollution Control Facility Siting Appeal)**

WASTE MANAGEMENT OF ILLINOIS INC.,	)	
Petitioner	)	
v.	)	**No. PCB 03-144**
	)	**(Pollution Control Facility**
COUNTY OF KANKAKEE,	)	**Siting Appeal Consolidated)**
Respondent	)	

RESPONSE TO WASTE MANAGEMENT OF ILLINOIS, INC.'S OBJECTIONS TO THE CITY'S LIST OF DEPONENTS

Now comes the City of Kankakee, (hereinafter, the "City"), by and through its attorneys, Assistant City Attorneys L. Patrick Power and Kenneth A. Leshen, and responding to the Waste Management of Illinois, Inc., (hereinafter, the "WMII") objections to its list of deponents, states as follows:

1. The City alleges, on information and belief and based on the documents produced in response to the City's discovery requests that there have been ongoing and massive pre-filing and post-filing contacts between these attorneys. Waste Management of Illinois, Inc. (hereinafter "WMII"), disclosed in its answers to the City's interrogatories that its attorney and agent, Donald Moran, after the end of the hearing and prior to the decision, communicated with Charles Helston and Elizabeth Harvey concerning the substance of the hearing. Each of these attorneys, pursuant to their own declarations and the declarations of Edward D. Smith, State's Attorney of Kankakee, represented separate and distinct entities. Donald Moran's importuning of the County can only be viewed as an improper ex parte effort to influence the decision-maker through communications with its agent, Elizabeth Harvey. Rather than acting as advocates and advisors in a legal forum, these attorneys acted as negotiating agents for their respective clients. The fact that they can each put the initials J.D. behind their names does not allow them to conceal their doings.

2. The City acknowledges that the hearing Officer has precluded inquiry into the legislative process concerning the adoption of the County's Solid Waster Plan. However, Hearing officer Halloran did not ask the parties or the Board to put on blinders and ignore the fact that the County's Solid Waste Management Plan designates WMII as the sole provider, a fact buttressed in its relevance and as evidence of pre-judgment by the fact that documents produced trumpet the fact that WMII committed to the County that it would fund the defense of the Plan in any litigation concerning its legitimacy.

3. The salient facts are as follows:

a. The County and WMII agreed years ago that the current County waste facility was nearing its capacity, a fact evidenced by much correspondence between the County and WMII.

b. The County, recognizing its need and the financial benefits that would inure to it, then designated WMII as the sole provider that would be able to operate a landfill in Kankakee County.

c. The only way the County would be able to satisfy it needs, according to its own plan and prejudgment, was to approve the siting proposal of WMII. The City of Kankakee was, at the same time as this prejudgment occurred, seeking to site its own facility, a fact that made the County's complicity with WMII all the more urgent.

d. WMII, through Dale Hoekstra, Division Vice-President, Illinois Landfill Division, in correspondence January 7, 2002, addressed to Karl Kruse and copied to the Kankakee County Board Members, Lee Addleman, Chuck Helsten, Ed Smith, and **Dennis Wilt** (emphasis added) pledge the resources of WMII to provide a full and complete defense for the County in the event of a legal challenge to the Plan.

e. Dennis Wilt prepared and spearheaded WMII's proposed host agreement with the County and participated in negotiations with Chuck Helsten and representatives of the County.

4. The issue is whether the communications between the parties amongst themselves and with the applicant, show or tend to show prejudgment and fundamental unfairness. It is disenguous in the extreme for WMII to try to hide its complicity with the County in the prejudgment of its siting application by claiming that depositions of its attorneys somehow

disrupts these proceedings. These are issues that perhaps would have been best considered by WMII prior to its improper conduct.

5. According to WMII's theory, each of the attorneys who engaged in improper communications outside of the hearing process would be protected from cross-examination, the great engine of truth seeking in the adversarial process. Shielding improper conduct, if any occurred, would indeed lower the standards of the legal profession.

6. WMII objects to the City identification of Lee Addleman as a deponent, arguing that this identification was made solely to harass. WMII's assertion that the City's action was made solely to harass conveniently avoids the applicable rules. It is incumbent on WMII to provide a physician's affidavit substantiating Mr. Addleman's unavailability rather than rancorously attacking the City.

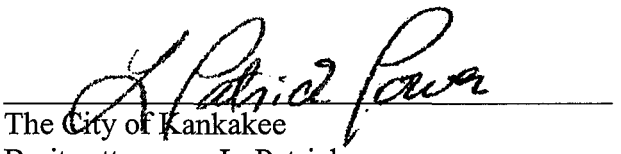
7. The WMII concludes its argument with the catchall phrase that the City is engaged in a fishing expedition. If the City is fishing, it is only because the County and WMII have filled the pond with such a rich array of fish. The issue in discovery is whether the discovery regarding pre-filing contacts may be probative of prejudgment of adjudicative facts, which is an element to be considered in assessing fundamental fairness. See County of Kankakee v. City of Kankakee, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C., PCB 03-31, PCB 03-33, PCB, 03-35 (cons.) (Jan. 23, 2003).

8. Lastly, WMII argues that the City has identified an excessive number of deponents and impliedly queries whether the depositions can be timely conducted. The truncated time limits are solely the responsibility of WMII. The inconvenience to attorneys and deponents is minimal as compared to the rights of the citizenry of Kankakee County to have a full and complete airing of the issues presented to the Board for its consideration and decision.

9. The City adopts and ratifies in full Petitioner Michael Watson's Response to WMII's Objections to Watson's Request for Depositions.

Wherefore, the City of Kankakee respectfully requests the IPCB Hearing officer to overrule the WMII's objections, so wrongfully brought, and require the County to produce the requested persons for their depositions.

Respectfully submitted,



The City of Kankakee
By its attorneys, L. Patrick Power and Kenneth A. Leshen, Assistant City Attorneys

Prepared by:
L. Patrick Power and
Kenneth A. Leshen, Assistant City Attorneys
956 N. Fifth
Kankakee, IL 60901
937- 6937
Reg. No. 03127454
Reg. No. 2244357

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on April 24, 2003, a copy of the foregoing City of Kankakee's **Response to the Objections of its List of Deponents** was served upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218

Donald J. Moran
Attorney at Law
161 N. Clark, Suite 3100
Chicago, IL 60601
(312) 261-2149
(312) 261-1149 Fax

Charles F. Helsten
Attorney at Law
P.O. Box 1389
Rockford, IL 61105-1389
Fax: (815) 963-9989

Elizabeth Harvey, Esq.
One IBM Plaza, Suite 2900
330 N. Wabash
Chicago, IL 60611
(312) 321-9100
(312) 321-0990 Fax

Kenneth Leshen
One Dearborn Square, Suite 550
Kankakee, IL 60901
(815) 933-3385
(815) 933-3397 Fax

Jennifer J. Sackett Pohlenz,
Attorney at Law
175 W. Jackson Blvd., Suite 1600
Chicago, IL 60604
(312) 540-7540
(312) 540-0578 Fax

George Mueller
Attorney at Law
501 State Street
Ottawa, IL 61350
(815) 261-2149
(815) 433-4913 Fax

Leland Milk
6903 S. Route 45-52
Chebanse, IL 60922

Patricia O'Dell
1242 Arrowhead Dr.
Bourbonnais, IL 60914

Keith Runyon
1165 Plum Creek Dr. #D
Bourbonnais, IL 60914
(815) 937-9838
(815) 937-9164 Fax

Brad Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218
Fax: (312) 814-3669

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Kankakee, Illinois, proper postage prepaid, before the hour of 6:00 p.m., on 24th day of April 2003, addressed as above.

Kristine A. Schmidt

SUBSCRIBED AND SWORN TO before me this 24th day of April 2003.

OFFICIAL SEAL
L. PATRICK POWER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5-30-2005

Notary Public

Prepared by: L. Patrick Power
Assistant City Attorney
956 N. Fifth Avenue
Kankakee, IL 60901
(815) 937-6937

Kenneth A. Leshen
Assistant City Attorney
One Dearborn Square, Suite 550
Kankakee, IL 60901
(815) 933-3385

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE CITY OF KANKAKEE, an Illinois Municipal Corporation **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	**No. PCB 03-125** **(Third-Party Pollution Control Facility Siting Appeal)**
MERLIN KARLOCK, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	**No. PCB 03-133** **(Third-Party Pollution Control Facility Siting Appeal)**
MICHAEL WATSON, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	**No. PCB 03-134** **(Third-Party Pollution Control Facility Siting Appeal)**
KEITH RUNYON, **Petitioner** **v.** **COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,** **Respondent**	**No. PCB 03-135** **(Third-Party Pollution Control Facility Siting Appeal)**

WASTE MANAGEMENT OF ILLINOIS INC.,	)	
Petitioner	)	
v.	)	**No. PCB 03-144**
	)	**(Pollution Control Facility**
COUNTY OF KANKAKEE,	)	**Siting Appeal Consolidated)**
Respondent	)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on April 24, 2003 there caused to be filed via U.S. Mail with the Illinois Pollution Control Board an original and 9 copies of the following document, a copy of which is attached hereto:

City of Kankakee's Response to County of Kankakee's Objections to the City's List of Deponents

Respectfully submitted,

The City of Kankakee

By: /s/ L. Patrick Power

Attorney for City of Kankakee

Prepared by:
L. Patrick Power #2244357
Corporate Counsel
956 North Fifth Ave.
Kankakee, IL 60901
(815) 937-6937

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE CITY OF KANKAKEE, an Illinois Municipal Corporation	)	
Petitioner	)	
v.	)	**No. PCB 03-125**
COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,	)	**(Third-Party Pollution Control Facility Siting Appeal)**
Respondent	)	
MERLIN KARLOCK,	)	
Petitioner	)	
v.	)	**No. PCB 03-133**
COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,	)	**(Third-Party Pollution Control Facility Siting Appeal)**
Respondent	)	
MICHAEL WATSON,	)	
Petitioner	)	
v.	)	**No. PCB 03-134**
COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,	)	**(Third-Party Pollution Control Facility Siting Appeal)**
Respondent	)	
KEITH RUNYON,	)	
Petitioner	)	
v.	)	**No. PCB 03-135**
COUNTY OF KANKAKEE, a body politic and Corporate; KANKAKEE COUNTY BOARD; And WASTE MANAGEMENT OF ILLINOIS, INC.,	)	**(Third-Party Pollution Control Facility Siting Appeal)**
Respondent	)	

WASTE MANAGEMENT OF ILLINOIS INC.,	)	
Petitioner	)	
v.	)	**No. PCB 03-144**
	)	**(Pollution Control Facility**
COUNTY OF KANKAKEE,	)	**SitingAppeal Consolidated)**
Respondent	)	

RESPONSE TO THE COUNTY OF KANKAKEE'S OBJECTIONS TO THE CITY'S LIST OF DEPONENTS

Now comes the City of Kankakee, (hereinafter, the "City"), by and through its attorneys, Assistant City Attorneys L. Patrick Power and Kenneth A. Leshen, and responding to the County of Kankakee's (hereinafter, the "County") objections to its list of deponents, states as follows:

1. The County brandishes the concept of attorney-client privilege in an effort to thwart the truth seeking process. Consequently, it is first important to delineate which attorney represented which entity or persons.

2. The record of proceedings of the siting hearing, Volume I, pages 2 and 3, recite the appearances of counsel. (See attached hereto and incorporated herein, pages 2 and three of Volume I). Charles Helston of Hinshaw and Culbertson represented the Kankakee County Staff. Elizabeth Harvey, accompanied by Edward d. Smith, the duly elected State's Attorney of Kankakee County, represented the Kankakee County Regional Planning Commission and the Kankakee County Board.

3. As a result of the foregoing, any communications between Charles Helston and any other attorneys from the firm of Hinshaw and Culbertson on the one hand and Edward D. Smith, duly elected State's Attorney of Kankakee County and Elizabeth Harvey on the other hand, are not privileged.

4. The City alleges, on information and belief and based on the documents produced in response to the City's discovery requests that there have been ongoing and massive pre-filing and post-filing contacts between these attorneys. Waste Management of Illinois, Inc. (hereinafter "WMII"), disclosed in its answers to the City's interrogatories that its attorney and agent, Donald Moran, after the end of the hearing and prior to the decision, communicated with Charles Helston and Elizabeth Harvey concerning the substance of the hearing. Each of these attorneys, pursuant to their own declarations and the declarations of Edward D. Smith, State's Attorney of Kankakee, represented separate and distinct entities. Donald Moran's importuning of the County can only be viewed as an improper ex parte effort to influence the decision-maker through communications with its agent, Elizabeth Harvey. Rather than acting as advocates and advisors in a legal forum, these attorneys acted as negotiating agents for their respective clients. The fact that they can each put the initials J.D. behind their names does not allow them to conceal their doings.

5. The City acknowledges that the hearing Officer has precluded inquiry into the legislative process concerning the adoption of the County's Solid Waster Plan. However, Hearing officer Halloran did not ask the parties or the Board to put on blinders and ignore the fact that the County's Solid Waste Management Plan designates WMII as the sole provider, a fact buttressed in its relevance and as evidence of pre-judgment by the fact that documents produced trumpet the fact that WMII committed to the County that it would fund the defense of the Plan in any litigation concerning its legitimacy.

6. The salient facts are as follows:

a. The County and WMII agreed years ago that the current County waste facility was nearing its capacity, a fact evidenced by much correspondence between the County and WMII.

b. The County, recognizing its need and the financial benefits that would inure to it, then designated WMII as the sole provider that would be able to operate a landfill in Kankakee County.

c. The only way the County would be able to satisfy it needs, according to its own plan and prejudgment, was to approve the siting proposal of WMII. The City of Kankakee was, at the same time as this prejudgment occurred, seeking to site its own facility, a fact that made the County's complicity with WMII all the more urgent.

7. Contrary to the assertions of the County, the issue is not whether Smith, Gorski, Helston and Harvey were the applicant. The issue is whether the communications between the parties amongst themselves and with the applicant, show or tend to show prejudgment and fundamental unfairness.

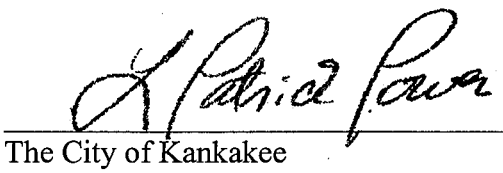
8. The County alleges that depositions of these attorneys would somehow be disruptive of the adversarial process and lower the standards of the legal profession. According to this theory, each of the attorneys who engaged in improper ex parte communications outside of the hearing process would be protected from cross-examination, the great engine of truth seeking in the adversarial process. Shielding improper conduct, if any occurred, would indeed lower the standards of the legal profession.

9. The County concludes its argument with the catchall phrase that the City is engaged in a fishing expedition. If the City is fishing, it is only because the County and WMII have filled the pond with such a rich array of fish. The issue in discovery is whether the discovery regarding pre-filing contacts may be probative of prejudgment of adjudicative facts, which is an element to be considered in assessing fundamental fairness. See County of Kankakee v. City of Kankakee, Town and Country Utilities, Inc. and Kanakee Regional Landfill, L.L.C., PCB 03-31, PCB 03-33, PCB, 03-35 (cons.) (Jan. 23, 2003).

10. The City adopts and ratifies in full Petitioner Michael Watson's Response to County of Kankakee's Objections to Watson's Request for Depositions.

Wherefore, the City of Kankakee respectfully requests the IPCB Hearing officer to overrule the County's objections, so wrongfully brought, and require the County to produce the requested persons for their depositions.

Respectfully submitted,



The City of Kankakee
By its attorneys, L. Patrick Power and Kenneth A. Leshen, Assistant City Attorneys

Prepared by:
L. Patrick Power and
Kenneth A. Leshen, Assistant
City Attorneys
956 N. Fifth
Kankakee, IL 60901
937- 6937
Reg. No. 03127454
Reg. No. 2244357

KANKAKEE COUNTY REGIONAL PLANNING COMMISSIONERS

Mr. George Washington, Jr.
Ms. Loretto Cowhig
Mr. Craig Bayston
Mr. Michael Spilsbury
Mr. James Tripp
Mr. Ralph Paarlberg
Mr. Curt Saindon
Mr. Dennis Peters
Mr. Mike Finnegan
Mr. John Meyer
Mr. David Bergdahl
Mr. Barry Jaffe

KANKAKEE COUNTY BOARD MEMBERS

Mr. Wes Wiseman
Mr. Duane Bertrand
Mr. Red Marcotte
Mr. Leonard Martin
Ms. Ann Bernard
Mr. Leo Whitten
Mr. George Hoffman
Mr. Bill Olthoff
Mr. Sam Nicholos
Ms. Karen Hertzberger

APPEARANCES:

MR. DONALD MORAN,
Appeared on behalf of Waste Management, Applicant;

MR. CHARLES HELSTEN,
Appeared on behalf of the Kankakee County Staff;

MS. ELIZABETH S. HARVEY,
Appeared on behalf of the Kankakee County Regional Planning Commission and the Kankakee County Board;

APPEARANCES CONTINUED:

MR. EDWARD SMITH,
Kankakee County State's Attorney,
Appeared on behalf of the Kankakee County Regional Planning Commission;

MR. L. PATRICK POWER,
Appeared on behalf of the City of Kankakee;

MR. GEORGE MUELLER,
Appeared on behalf of Mr. Merlin Karlock;

MS. JENNIFER J. SACKETT POHLENZ,
Appeared on behalf Mr. Michael Watson;

MR. DAVID FLYNN,
Appeared on behalf of Mr. Michael Watson;

MR. KENNETH BLEYER,
Appeared on behalf of Mr. Richard Murray;

MR. LEE MILK, Individually;

MS. PATRICIA O'DELL, Individually;

MR. KEITH RUNYON, Individually.

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on April ~~25~~ 24, 2003, a copy of the foregoing City of Kankakee's **Response to the Objections of its List of Deponents** was served upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218

Charles F. Helsten
Attorney at Law
P.O. Box 1389
Rockford, IL 61105-1389
Fax: (815) 963-9989

Kenneth Leshen
One Dearborn Square, Suite 550
Kankakee, IL 60901
(815) 933-3385
(815) 933-3397 Fax

George Mueller
Attorney at Law
501 State Street
Ottawa, IL 61350
(815) 261-2149
(815) 433-4913 Fax

Keith Runyon
1165 Plum Creek Dr. #D
Bourbonnais, IL 60914
(815) 937-9838
(815) 937-9164 Fax

Donald J. Moran
Attorney at Law
161 N. Clark, Suite 3100
Chicago, IL 60601
(312) 261-2149
(312) 261-1149 Fax

Elizabeth Harvey, Esq.
One IBM Plaza, Suite 2900
330 N. Wabash
Chicago, IL 60611
(312) 321-9100
(312) 321-0990 Fax

Jennifer J. Sackett Pohlenz,
Attorney at Law
175 W. Jackson Blvd., Suite 1600
Chicago, IL 60604
(312) 540-7540
(312) 540-0578 Fax

Leland Milk
6903 S. Route 45-52
Chebanse, IL 60922

Patricia O'Dell
1242 Arrowhead Dr.
Bourbonnais, IL 60914

Brad Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218
Fax: (312) 814-3669

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Kankakee, Illinois, proper postage prepaid, before the hour of 6:00 p.m., on 24th day of April 2003, addressed as above.

Kristie A. Schmidt

SUBSCRIBED AND SWORN TO before me this 24th day of April 2003.

OFFICIAL SEAL
L. PATRICK POWER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5-30-2005

Notary Public

Prepared by: L. Patrick Power
Assistant City Attorney
956 N. Fifth Avenue
Kankakee, IL 60901
(815) 937-6937

Kenneth A. Leshen
Assistant City Attorney
One Dearborn Square, Suite 550
Kankakee, IL 60901
(815) 933-3385