

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

CITY OF KANKAKEE,

Petitioner,

) PCB 03-125
) (Third-Party Pollution Control Facility
) Siting Appeal)

APR 25 2003

STATE OF ILLINOIS
Pollution Control Board

vs.

COUNTY OF KANKAKEE, COUNTY
BOARD OF KANKAKEE, and WASTE
MANAGEMENT OF ILLINOIS, INC.

Respondents.

MERLIN KARLOCK,

Petitioner,

) PCB 03-133
) (Third-Party Pollution Control Facility
) Siting Appeal)

vs.

COUNTY OF KANKAKEE, COUNTY
BOARD OF KANKAKEE, and WASTE
MANAGEMENT OF ILLINOIS, INC.

Respondents.

MICHAEL WATSON,

Petitioner,

) PCB 03-134
) (Third-Party Pollution Control Facility
) Siting Appeal)

vs.

COUNTY OF KANKAKEE, COUNTY
BOARD OF KANKAKEE, and WASTE
MANAGEMENT OF ILLINOIS, INC.

Respondents.

KEITH RUNYON,

Petitioner,

) PCB 03-135
) (Third-Party Pollution Control Facility
) Siting Appeal)

vs.

COUNTY OF KANKAKEE, COUNTY
BOARD OF KANKAKEE, and WASTE
MANAGEMENT OF ILLINOIS, INC.

Respondents.

OBJECTION TO DEPOSITIONS

NOW COMES The County of Kankakee, by and through its Attorneys, HINSHAW & CULBERTSON, and files its Objections to the list of Deponents proposed by the City of Kankakee, and in support thereof, states as follows:¹

1. On March 22, 2003 the City of Kankakee served its list of deponents (attached hereto as Exhibit A). Included in the list are State's Attorney for County of Kankakee, Edward D. Smith, Assistant State's Attorney Brenda Gorski and Special Assistant State's Attorney Charles Helsten, and Elizabeth Harvey.

2. Upon receipt of a previous Notice of Deposition of State's Attorney Smith the undersigned attorney on behalf of Kankakee County spoke with counsel for the City, Mr. Kenneth Leschen, to determine the purpose of the proposed deposition. Attorney Leschen, on behalf of the City, only offered an explanation that he wanted to inquire into the passage of the Kankakee County Solid Waste Management Plan which designates that only the current Kankakee County landfill shall be expanded, which is operated by Waste Management of Illinois. It is Mr. Leschen's position that somehow the passing of the Solid Waste Management Plan is relevant to an alleged pre-adjudication of the merits of application by the Kankakee County Board.

3. The depositions of the State's Attorneys should not be allowed as they are an obvious attempt at harassment and seek irrelevant inadmissible evidence.

4. The Hearing Officer in its April 17, 2003 ruling held that discovery shall not be allowed regarding passage of a solid waste management plan or its amendments.

5. It is well established that evidence concerning the passage of a Solid Waste Management Plan is not admissible in a Section 39.2 hearing, and that discovery on how the Plan

¹ Mr. Watson agreed to accept the production response of the County of Kankakee by receiving the documents by overnight mail on April 22, 2003. Therefore, the County agreed to service of Mr. Watson's deponent list on April 23, 2003 and the County will file its objections to that list upon its receipt.

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 23, 2003, a copy of the foregoing was served upon:

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

Attorney George Mueller
501 State Street
Ottawa, IL 61350
(815) 433-4705
(815) 433-4913 FAX

Donald J. Moran
Pederson & Houpt
161 N. Clark Street, Suite 3100
Chicago, IL 60601-3242
(312) 261-2149
(312) 261-1149 FAX

Elizabeth Harvey, Esq.
Swanson, Martin & Bell
One IBM Plaza, Suite 2900
330 North Wabash
Chicago, IL 60611
(312) 321-9100
(312) 321-0990 FAX

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

L. Patrick Power
956 North Fifth Avenue
Kankakee, IL 60901
(815) 937-6937
(815) 937-0056 FAX

Keith Runyon
1165 Plum Creek Drive
Bourbonnais, IL 60914
(815) 937-9838
(815) 937-9164 FAX

Jennifer J. Sackett Pohlenz
175 W. Jackson Boulevard
Suite 1600
Chicago, IL 60604
(312) 540-7540
(312) 540-0578 FAX

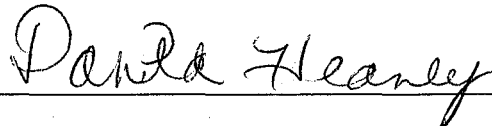
Kenneth A. Bleyer
923 W. Gordon Terrace #3
Chicago, IL 60613-2013

Patricia O'Dell
1242 Arrowhead Drive
Bourbonnais, IL 60914

Daniel J. Hartweg
175 W. Jackson, Suite 1600
Chicago, IL 60604
(312) 540-7000
(312) 540-0578 FAX

Mr. Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, 11th Floor
Chicago, IL 60601
(312) 814-8917
(312) 814-3669 FAX

By faxing and by depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford,, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above



Firm No. 695
HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61101
(815) 490-4900

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 22, 2003, a copy of the foregoing City of Kankakee's **LIST OF DEONENTS** 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

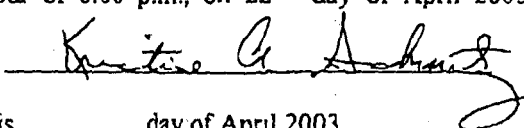
Leland Milk
6903 S. Route 45-52
Chebanse, IL 60922

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

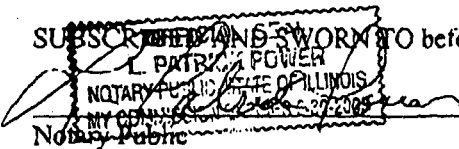
Keith Runyon
1165 Plum Creek Dr. #D
Bourbonnais, IL 60914
(815) 937-9838
(815) 937-9164 Fax

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 22ND day of April 2003, addressed as above.



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



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