

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING AND SERVICE

To: ALL PERSONS ON THE ATTACHED CERTIFICATE OF SERVICE

Please take note that today, June 20, 2019, I have filed with the Clerk of the Pollution Control Board the attached Notice of Deposition of Riah Dunton and have served each person listed on the attached service list with a copy of the same.

Respectfully Submitted,

By: s/ Evan J. McGinley
EVAN J. MCGINLEY
ELLEN O'LAUGHLIN
Assistant Attorneys General
Environmental Bureau
69 W. Washington, 18th Floor
Chicago, Illinois 60602
(312) 814-3153
emcginley@atg.state.il.us
eolaughlin@atg.state.il.us
mccaccio@atg.state.il.us

MATTHEW J. DOUGHERTY
Assistant Chief Counsel
Illinois Department of Transportation
Office of the Chief Counsel, Room 313
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-7524
Matthew.Dougherty@Illinois.gov

CERTIFICATE OF SERVICE

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

I, EVAN J. MCGINLEY, do hereby certify that, today, June 20, 2019, I caused to be filed with the Pollution Control Board the attached Notice of Filing and Service on each of the individuals listed below:

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

Don Brown
Clerk of the Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Susan Brice
Lauren Caisman
Bryan Cave LLP
161 North Clark Street, Suite 4300
Chicago, Illinois 60601
susan.brice@bcplaw.com
lauren.caisman@bcplaw.com

s/ Evan J. McGinley
Evan J. McGinley

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Complainant,)	
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v.)	PCB No. 14-3
)	(Citizen Suit)
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF DEPOSITION

TO: Susan Brice
Lauren Caisman
Bryan Cave, LLC
161 North Clark Street
Suite 4300
Chicago, Illinois 60601-3315
susan.brice@bclplaw.com
lauren.caisman@bclplaw.com

YOU ARE HEREBY NOTIFIED that the undersigned will take the following deposition before a Notary Public or other authorized official, as follows:

DEPONENT: Riah Dunton
DATE: July 10, 2019
TIME: 10:00 a.m.
PLACE: Office of the Attorney General
Environmental Bureau
69 West Washington Street
Suite 1800
Chicago, Illinois 60602
PURPOSE: Discovery

You are hereby further notified that pursuant to this notice, deponent shall produce to the undersigned counsel, by the close of business on July 2, 2019, all of the documents specified in the attached Exhibit A, to the extent that such documents have not already been produced.

Respectfully Submitted,

By: /s/ Evan J. McGinley
EVAN J. MCGINLEY
ELLEN O'LAUGHLIN
Assistant Attorneys General
Environmental Bureau
69 W. Washington, 18th Floor
Chicago, Illinois 60602
(312) 814-3153
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MATTHEW J. DOUGHERTY
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Illinois Department of Transportation
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2300 South Dirksen Parkway
Springfield, Illinois 62764
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EXHIBIT A

DOCUMENTS TO BE PRODUCED AT DEPOSITION

DEFINITIONS

1. "Communication" shall mean, without limitation, any and all forms of transferring information, including discussions, conversations, meetings, conferences, interviews, negotiations, agreements, understandings, inquiries, correspondence, documents, or other transfers of information whether written or oral or by any other means, including electronic and includes any document which abstracts, digests, transcribes or records any communication.

2. "Complainant" shall mean Johns Manville and any of Complainant's employees, agents, representatives, successors or assigns, or any other person acting or believed by Complainant to have acted on its behalf.

3. "Computer-Assisted Design" or "CAD" shall refer to any form of computer system, software or combination of computer system and software that has been used to create, among other things, maps, schematics, sort of visual representation of Site 3 or Site 6.

4. "Consultant" shall mean any type of environmental professional, including, but not limited to, any type of engineer, geologist, hydrologist, chemist, retained for the purpose of conducting environmental studies of the Site or Facility.

5. "Current" or "Present" shall mean the date on which Complainant serves its Response to these Interrogatories on IDOT's attorneys.

6. "Describe" shall mean to depict in written words or give an account of.

7. "Document" or "documents" shall be construed in its customary broad sense and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, or any agreement, bank record or statement; book of account, including any ledger, sub-ledger, journal, or sub-journal; brochure; CAD files or CAD-related files, calendar; chart; check; circular; communication (intra- or inter-company or governmental entity or agency or agencies); contract; copy; correspondence; diary; draft of any document; electronic mail (e-mail); facsimile (fax); graph; index; instruction; instruction manual or sheet; invoice; job requisition; letter; log; license; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet; paper; periodical or other publication; photograph; print; receipt; record; recording; report; statement; study; summary including any memorandum, minutes, note record, or summary of any (a) telephone, videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; text message or any other form of instant message; ticket; travel or expense record; trip ticket; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of the Respondent.

8. "Governmental agency" means any government agency, including federal, municipal, county, or state, or any subdivisions thereof.

9. "IDOT" means the Respondent, Illinois Department of Transportation.

10. "Knowledge" means first-hand information and/or information derived from any other source, including hearsay.

11. "Johns Manville" shall mean Johns Manville and any of its officers, directors, employees, agents, representatives, successors or assigns, or any other person acting on behalf of Johns Manville.

12. "Matter" shall mean the case entitled *Johns Manville v. Illinois Department of Transportation*, PCB 14-3 (Enforcement).

13. "Operate" or "operation" shall mean use, exercise control over, supervise or having responsibility for the daily performance of.

14. "Or" shall mean and/or wherever appropriate.

15. "Person" shall include, but is not limited to, any natural person; business or corporation, whether for profit or not, whether currently dissolved, or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.

16. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally, logically or factually connected with, proves, disproves, or tends to prove or disprove.

17. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.

18. "You" and "your" shall refer to the deponent, Riah M. Dunton.

19. "Weaver" shall refer to Weaver Consultants Group, its employees, officers, or contractors.

20. "June 13th Dorgan Report" shall refer to the "Expert Report of Douglas G. Dorgan Jr. On Damages Attributable to IDOT," dated June 13, 2018.

21. "October 25th Dorgan Report" shall refer to the "Expert Rebuttal Report of Douglas G. Dorgan Jr. On Damages Attributable to IDOT," dated October 25, 2018.

22. “April 30th Dorgan Report” shall refer to the “Expert Rebuttal Supplemental Report of Douglas G. Dorgan Jr. On Damages Attributable to IDOT,” dated April 30, 2019.

23. “August 21st Gobelman Report” shall refer to the “Expert Rebuttal Report of Steven Gobelman on Damages Attributable to IDOT Based on IPCB Order of December 16, 2016,” dated August 22, 2018.

24. “November 7th Gobelman Report” shall refer to the “Expert Rebuttal Report of Steven Gobelman on Damages Attributable to IDOT Based on IPCB Order of December 16, 2016,” dated November 7, 2018.

25. All terms not specifically defined herein shall have their logical ordinary meaning, unless such terms are defined in the Act or the regulations promulgated under the Act, in which case the appropriate or regulatory definitions shall apply.

DOCUMENTS TO BE PRODUCED AT YOUR DEPOSITION

1) Copies of all documents related to any work you performed on the June 13th, October 25th, or the April 30th Dorgan Reports.

2) Copies of all documents you created or caused to be created which are related to either the August 21st or November 7th Gobelman Reports.

3) Copies of all documents you reviewed or otherwise consulted in the course of any work you performed on June 13th, October 25th, or the April 30th Dorgan Reports.

4) Copies of all documents you reviewed in the course of any work performed or analyses you conducted on the August 21st or November 7th Gobelman Reports.

5) Copies of all billing statements or invoices for all work performed by either you or Weaver on the matter from August 21, 2018 to the current day.

CERTIFICATE OF SERVICE

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

I, EVAN J. MCGINLEY, do hereby certify that, today, June 20, 2019, I caused to be served on the individuals listed below, by electronic mail, a true and correct copy of IDOT's Notice of Deposition on Riah Dunton to on each of the parties listed below, prior to the hour of 5:00 p.m.:

Susan Brice
Lauren Caisman
Bryan Cave LLP
161 North Clark Street, Suite 4300
Chicago, Illinois 60601
Susan.Brice@bryancave.com
Lauren.Caisman@bryancave.com

/s/ Evan J. McGinley
Evan J. McGinley