

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 SERVICE OF NOTICE OF DEPOSITION

The undersigned hereby certifies that a true and correct copy of the following document, Complainant's Notice of Deposition, was served upon Respondent by e-mail to counsel for Respondent on April 13, 2016.

April 13, 2016

Respectfully submitted,

BRYAN CAVE LLP

Attorneys for Complainant Johns Manville

By: /s/ Lauren J. Caisman
Susan Brice, ARDC No. 6228903
Lauren J. Caisman, ARDC No. 6312465
161 North Clark Street, Suite 4300
Chicago, Illinois 60601
(312) 602-5124
Email: lauren.caisman@bryancave.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 13, 2016, I caused to be served a true and correct copy of *Complainant's Notice of Service of Notice of Deposition* 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

Evan J. McGinley
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
E-mail: emcginley@atg.state.il.us

Matthew D. Dougherty
Assistant Chief Counsel
Illinois Department of Transportation
Office of the Chief Counsel, Room 313
2300 South Dirksen Parkway
Springfield, IL 62764
E-mail: Matthew.Dougherty@illinois.gov

Ellen O'Laughlin
Office of Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
E-mail: eolaughlin@atg.state.il.us

Illinois Pollution Control Board
Brad Halloran, Hearing Officer
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: Brad.Halloran@illinois.gov

Illinois Pollution Control Board
John Therriault, Clerk of the Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: John.Therriault@illinois.gov

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 DEPOSITION

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 **Steven G. Warren**.

This deposition shall take place before a court reporter, videographer, notary public, and/or other official authorized to administer oaths, at the offices of Bryan Cave LLP, 161 North Clark Street, Suite 4300, Chicago, Illinois 60601. The deposition shall be recorded stenographically and shall commence on **Monday, April 18, 2016 at 9:30 a.m.**, and continue from day to day thereafter until completed.

You are hereby further notified that pursuant to this notice, deponent shall, on the date of his deposition, produce the documents set forth in the attached **Exhibit A**.

April 13, 2016

BRYAN CAVE LLP

Attorneys for Complainant Johns Manville

By: /s/ Lauren J. Caisman
Susan Brice, ARDC No. 6228903
Lauren J. Caisman, ARDC No. 6312465
161 North Clark Street, Suite 4300
Chicago, Illinois 60601
(312) 602-5079
Email: lauren.caisman@bryancave.com

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 Steven G. Warren.

C. "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.

D. "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.

E. "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.

F. "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.

G. “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.

H. “Site 3” shall refer to the area known as Site 3 as defined in the AOC and located south of the Greenwood Avenue right-of-way and east of North Pershing Road in Waukegan, Illinois, including the land and subsurface that is part of this area.

I. “Site 6” shall refer to the area known as Site 6 as defined in the AOC and located on both sides of Greenwood Avenue in Waukegan, Illinois, including the land and subsurface that is part of this area.

J. “Jurisdictional Guidelines” shall mean IDOT’s Highway Jurisdictional Guidelines posted at <http://www.idot.illinois.gov/assets/uploads/files/transportation-system/manuals-guides-&-handbooks/highways/local-roads-and-streets/highway%20jurisdiction%20guidelines%20booklet.pdf> on the Internet, and any more recent versions thereof.

K. “The Manual” shall mean “A Manual for Conducting Preliminary Site Assessments for Illinois Department of Transportation Projects” posted at <https://www.ideals.illinois.edu/bitstream/handle/2142/50258/ofs2012-01.pdf?sequence=2> on the Internet, and any more recent versions thereof.

L. “Parcel No. 0393” shall mean the parcel labeled as 0393 and described at IDOT 002800.

M. “Rights of Way” shall have the meaning given to it in the Illinois Highway Code, 605 ILCS 5/2-217 and in IDOT’s Highway Jurisdiction Guidelines: “[t]he land, or interest therein, acquired for or devoted to a highway.”

N. “Environmental Liability” shall mean liability under CERCLA, RCRA, the Clean Water Act, the Clean Air Act, the Illinois Environmental Protection Act, the regulations adopted under each aforementioned statutes and tort law. As to tort law, the term only relates to tort law associated with the presence of contamination or the disposal of contamination.

O. “Contamination” shall mean any asbestos containing material, any Hazardous Substance under CERCLA, any Hazardous Waste or Solid Waste under RCRA, any pollutant under the Clean Water Act, any Waste under the Illinois Environmental Protection Act or applicable regulations, any pollutant under the Clean Air Act.

P. “Interest” shall mean a legal share, or rights and privileges to do something with respect to property.

Q. “Right” shall mean the interest, claim, or ownership that one has in property.

R. “Transfer” shall mean to convey from one person to another, or to change over the possession, ownership, or control.

S. “Vacate” or “Abandon” shall mean to nullify, cancel, invalidate, surrender, or relinquish occupancy, possession, control, or ownership.

T. The “104(e) Response” refers to IDOT’s response to the Request for Information under Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) sent by USEPA to IDOT on September 29, 2000.

U. “Matter” shall refer to the action filed by JM against IDOT, PCB No. 14-3.

V. 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 on the date of your scheduled deposition, only to the extent not previously produced to Complainant:

1. Any and all Documents or Communications in Your possession, custody, and/or control relating to Parcel No. 0393 or this Matter.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 13, 2016, I caused to be served a true and correct copy of *Complainant's Notice of Deposition* 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

Evan J. McGinley
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
E-mail: emcginley@atg.state.il.us

Matthew D. Dougherty
Assistant Chief Counsel
Illinois Department of Transportation
Office of the Chief Counsel, Room 313
2300 South Dirksen Parkway
Springfield, IL 62764
E-mail: Matthew.Dougherty@illinois.gov

Ellen O'Laughlin
Office of Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
E-mail: eolaughlin@atg.state.il.us

Illinois Pollution Control Board
Brad Halloran, Hearing Officer
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: Brad.Halloran@illinois.gov

Illinois Pollution Control Board
John Therriault, Clerk of the Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: John.Therriault@illinois.gov