

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 FACT AND EXPERT DEPOSITION

The undersigned hereby certifies that a true and correct copy of the following document, Complainant's Notice of Fact and Expert Deposition, was served upon Respondent by e-mail to counsel for Respondent on April 14, 2016.

April 14, 2016

Respectfully submitted,

BRYAN CAVE LLP

Attorneys for Complainant Johns Manville

By: /s/ Lauren J. Caisman
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 14, 2016, I caused to be served a true and correct copy of *Complainant's Notice of Service of Notice of Fact and Expert 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

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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 FACT AND EXPERT DEPOSITION

TO: Attached Certificate of Service

PLEASE TAKE NOTICE that Complainant will take the deposition of **Mr. Keith W. Stoddard** upon oral examination and before an officer authorized to administer oaths on **April 27, 2016**, commencing at the hour of **9:30 a.m.** and continuing thereafter until completed at the offices of Illinois Department of Transportation, 201 West Center Court, Schaumburg, Illinois 60196. The deposition will be taken first as a fact witness and then as an expert witness. Because these are two separate depositions, the deposition can be longer than three hours pursuant to Illinois rules.

You are hereby further notified that pursuant to this notice, deponent shall, not later than seven (7) days prior to the date of his deposition, produce the documents set forth in the attached **Exhibit A**.

April 14, 2016

Respectfully submitted,

BRYAN CAVE LLP

Attorneys for Complainant Johns Manville

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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 Keith W. Stoddard.

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 or 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 Greenwood Avenue 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. "Parcel No. 0393" shall mean the parcel labeled as 0393 and described at IDOT 002800.

K. "Interest" shall mean a legal share, or rights and privileges to do something with respect to property.

L. "Right" shall mean the interest, claim, or ownership that one has in property.

M. "Transfer" shall mean to convey from one person to another, or to change over the possession, ownership, or control.

N. "Vacate" or "Abandon" shall mean to nullify, cancel, invalidate, surrender, or relinquish occupancy, possession, control, or ownership.

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

P. "Disclosure" shall mean the IDOT's 213(f)(3) Disclosure Statement for Keith W. Stoddard filed by IDOT on March 31, 2016 in this Matter.

Q. The "Amstutz Project" shall refer to the construction project located in Lake County, Illinois that involved portions of Site 3 and Site 6 and has been identified previously as F.A. Route 42, Section 8-HB and 8-VB and includes any and all Bypasses, including Bypasses A, B and C.

R. 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 which You or anyone who assisted You with respect to this Matter reviewed, prepared or edited in the course of preparing the Disclosure or working on this Matter, including without limitation notes relating to the Matter and drafts of the Disclosure.

2. Any and all Documents and/or Communications in Your possession, custody, and/or control relating to Parcel No. 0393, including without limitation internal IDOT databases or maps showing how Parcel No. 0393 has been categorized, labeled and/or identified in those databases or maps since 1971.

3. Any and all Documents and/or Communications in Your possession, custody, and/or control relating to this Matter.

4. Any and all Documents and/or Communications in Your possession, custody and/or control relating to the Amstutz Project and its relation to Site 3, Site 6 and/or Parcel 0390.

5. Any and all Document and/or Communications in Your possession, custody, and/or control relating to the “project” identified in IDOT 003303.

6. Any and all Documents in Your possession, custody, and/or control relating to any Interest or Rights IDOT or the State of Illinois has ever had in Parcel 0393, Site 3,

and/or Site 6, including without limitation any Documents Transferring, Vacating or Abandoning any such Interests or Rights.

7. Any and all Documents in Your possession, custody, and/or control relating to how IDOT views its Interests in, Rights to, control over, ownership of or duties with respect to property for which is has been given a grant “to use for highway purposes only.”

8. Any and all Communications, correspondence, and/or Documents exchanged between You and IDOT employees or attorneys or You and Persons in the Illinois Attorney General’s office relating to Parcel No. 0393, this Matter, and/or the Disclosure.

9. A list of matters for which You have provided expert opinion and all opinions or draft opinions related thereto.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 14, 2016, I caused to be served a true and correct copy of *Complainant's Notice of Fact and Expert 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

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