

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

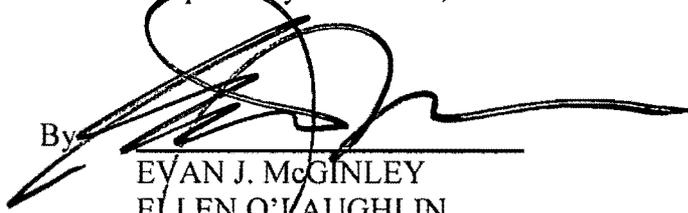
JOHNS MANVILLE, a Delaware corporation,)	
)	
Complainant,)	
)	
v.)	PCB No. 14-3
)	(Citizen Suit)
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF FILING AND SERVICE

To: ALL PERSONS ON THE ATTACHED CERTIFICATE OF SERVICE

Please take note that today, May 4, 2016, Respondent, Illinois Department of Transportation, filed and served Respondent's Amended Response to Request for Admission Number 11 in Complainant's First Set of Requests for Admission with the Clerk of the Pollution Control Board, a copy of which are hereby served upon you.

Respectfully Submitted,

By 

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RESPONDENT'S AMENDED RESPONSE TO REQUEST FOR ADMISSION NUMBER 11 IN COMPLAINANT'S FIRST SET OF REQUESTS FOR ADMISSION

Respondent, the ILLINOIS DEPARTMENT OF TRANSPORTATION ("IDOT"), through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, herewith responds to Complainant's First Set of Requests for Admission.

GENERAL OBJECTIONS

To the extent applicable, IDOT states these general objections and hereby incorporates them by reference as objections into each and every one of its responses to Johns Manville's First Set of Requests for Admission.

1. IDOT objects to having to respond to these Requests to Admit sooner than the 28 days allowed for under Illinois Supreme Court Rule 216(c), as Johns Manville never mentioned their intention to propound any Requests for Admission on IDOT during recent discussions relative to a schedule for conducting limited discovery in the wake of Johns Manville's recently-filed Second Amended Complaint. As such, it is IDOT's position that it never agreed to any expedited timeframe for responding to Johns Manville's First Set of Requests for Admission and, accordingly, the responses provided herein are provided under protest and solely to protect IDOT against any adverse or prejudicial impact that it might suffer by failing to respond by the March

30, 2016 deadline set in the Hearing Officer's order of March 24, 2016. Accordingly, IDOT's Responses to all of these Johns Manville's First Set of Requests for Admission are filed under protest. By responding to these Requests for Admission, IDOT is not waiving any rights or remedies which it may have with respect to the truncated timeframe for responding to each and every one of these requests.

2. IDOT objects to the Requests for Admission, insofar as they purport to seek information that is protected from discovery by the attorney-client privilege, the work product doctrine, the deliberative due process privilege, or any other doctrine or privilege protecting information from discovery.

3. IDOT objects to these Requests for Admission to the extent that they are oppressive and burdensome, particularly to the extent that they go beyond the limited scope of discovery which was allowed pursuant to the Board's March 3, 2016 opinion and order.

4. IDOT objects to these Requests for Admission to the extent that they are vague or ambiguous and that any response thereto would be based on speculation as to the meaning or scope of a given request for admission.

5. IDOT objects to these Requests for Admission, to the extent they assume, imply or require any legal conclusions.

6. IDOT specifically objects to Johns Manville's inclusion of the term "Right of Way" in these interrogatories. For purposes of responding to these interrogatories, IDOT interprets the term "Right of Way" as instead meaning a "Grant for Public Highway," which is the term used in the document cited to in Johns Manville's definition for the term "Right of Way."

RESPONSES TO REQUESTS FOR ADMISSION

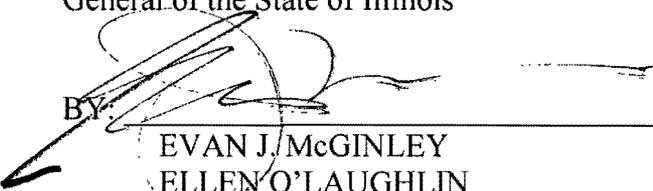
11. Admit that IDOT has not entered into any written contract with any other highway authority for the jurisdiction, maintenance, engineering, or improvement of the Right of Way, or any portion thereof or any improvement thereon, as provided for in 605 ILCS 5/4-409.

RESPONSE

IDOT herewith incorporates by reference each and every objection set forth above under its General Objections. IDOT also objects to this Request for Admission because it calls for a legal conclusion. Notwithstanding any of the foregoing objections, IDOT states that other than the period of time when a temporary easement was in effect governing Parcel E393, as that Parcel is described in the Grant for Public Highway recorded with the Lake County Recorder, on or about June 8, 1984, as Document 2288275, as IDOT does not have jurisdiction over the Right of Way, it admits this request for admission.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney
General of the State of Illinois

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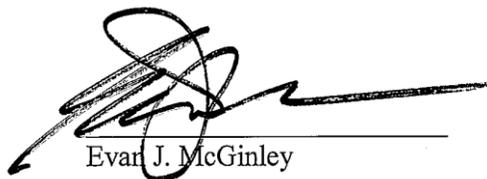
Matthew.Dougherty@Illinois.gov

CERTIFICATE OF SERVICE

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

I, EVAN J. MCGINLEY, do hereby certify that, today, May 4, 2016, I caused to be served on the individuals listed below, by electronic mail, a true and correct copy of IDOT's Amended Response to Request for Admission Number 11 in Complainant's First Set of Requests for Admission on each of the parties listed below:

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
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John Therriault
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s/Evan J. McGinley
Evan J. McGinley



Evan J. McGinley

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Complainant,)

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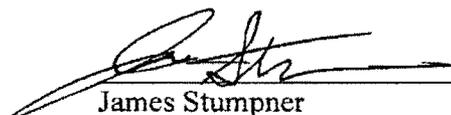
Respondent.)

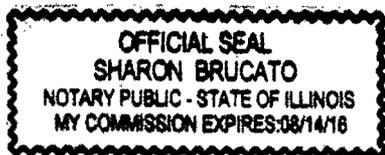
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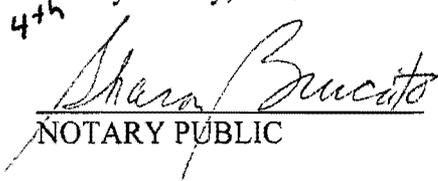
VERIFICATION

I, James Stumpner, Bureau Chief for Maintenance, IDOT District 1, certify under oath that I have reviewed IDOT's Revised Response to Complainant's Request for Admission of Fact Number 11, in Complainant's First Set of Requests for Admission of Fact, and that to the best of my knowledge and belief, this response is true, accurate and complete.

FURTHER AFFIANT SAYETH NOT


James Stumpner



Signed and Sworn to before me this
~~3rd~~
4th Day of May, 2016

NOTARY PUBLIC