

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

ESTATE OF GERALD D.)	
SLIGHTOM,)	
Petitioner,)	
v.)	PCB No. 11-25
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

TO: John T. Therriault, Acting Clerk
Illinois Pollution Control Board
100 West Randolph Street
State of Illinois Building, Suite 11-500
Chicago, IL 60601

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Melanie Jarvis
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a MOTION FOR AUTHORIZATION OF PAYMENT OF ATTORNEY'S FEES AS COSTS OF CORRECTIVE ACTION, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 28th day of September, 2015.

BY: /s/ Patrick D. Shaw

LAW OFFICE OF PATRICK D. SHAW
80 Bellerive Road
Springfield, IL 62704
217-299-8484

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ESTATE OF GERALD D.)	
SLIGHTOM,)	
Petitioner,)	
v.)	PCB No. 11-25
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

**MOTION FOR AUTHORIZATION OF PAYMENT OF
ATTORNEY'S FEES AS COSTS OF CORRECTIVE ACTION**

NOW COMES Petitioner, ESTATE OF GERALD D. SLIGHTOM, by its undersigned counsel, and pursuant to Section 57.8(1) of the Illinois Environmental Protection Act (415 ILCS 5/57.8(1)), petitions the Illinois Pollution Control Board (hereinafter "the Board") for an order authorizing payment of legal costs, and in support thereof states as follows:

1. On July 7, 2015, the Illinois Appellate Court for the Fourth District reversed the Board's determination that the Agency had correctly applied a \$100,000 deductible and remanded the case "to the Board to consider the Estate's request for reimbursement of legal defense costs pursuant to section 57.8(1) of Title XVI (415 ILCS 5/57.8(1) (West 2008))." Estate of Gerald D. Slightom v. Pollution Control Board, 2015 IL App (4th) 140593, at ¶ 29 (July 7, 2015).
2. On August 12, 2015, the mandate issued, which similarly stated that "[i]t is the decision of this court that the order on appeal is REVERSED and REMANDED WITH DIRECTIONS and stand in full force and effect."
3. Where the Appellate Court has remanded with directions, the Board has no

authority to act beyond the mandate's dictates. Citizens Utilities Co. v. Pollution Control Board, 213 Ill. App. 3d 864 (3rd Dist. 1991). The obligation on remand is based upon the mandate; however, if the mandate is to proceed in conformity with the opinion, the opinion may be considered. PSL Realty Co. v. Granite Inv. Co., 86 Ill.2d 291, 308 (1981). In construing the language, matters which are implied may be considered embraced by the mandate. Id.

4. The context of the remand is unambiguous. The Petition for Review filed herein requested the Board award payment of attorney's fees in the prayer for relief. (Petition, at p. 4 (Dec. 6, 2010)). In the Appellate Court brief, Petitioner asked for an order reversing the underlying decision, "as well as remanding the case to the Illinois Pollution Control Board to consider Petitioner's petition for reimbursement of legal defense costs as corrective action pursuant to 415 ILCS 5/57.8(l)." (Petitioner's App. Ct. Brief, at p. 29) Since Section 57.8(l) is a prevailing-party provision, petitioner had no opportunity to submit proof of attorney's fees until it had prevailed and the mandate was entered. Coldwell Banker Havens v. Renfro, 288 Ill.App.3d 442,447 (5th Dist. 1997). Without proof of attorney's fees, there was insufficient information before the Appellate Court to determine whether such fees are reasonable, whether those legal costs were incurred seeking payment under Title XVI, and whether the Board ought to exercise its discretion. Accordingly, we submit this petition for the Board's consideration.

5. Attached hereto is the Affidavit of Patrick D. Shaw, documenting the legal costs in this matter, which are \$79,455.26. This affidavit is modeled on previous affidavits utilized by undersigned counsel and found to have been sufficient by the Board. E.g., Prime Location Properties v. IEPA, PCB No. 9-67, at p. 5 (Nov. 5, 2009). It sets forth the legal services provided, the identity of the attorney providing the legal services, and itemization of the time

expended for the individual service, and the hourly rate charged. Id.

6. The Board has previously recognized undersigned counsel's experience in underground storage tank appeals. Prime Location Properties v. IEPA, PCB No. 9-67, at p. 6 (Nov. 5, 2009). Shaw's hourly rate was \$175 per hour at the outset of this appeal, moved to \$185.00 per hour in 2012, and \$200 per hour in 2014, which is believed to be a reasonable rate for environmental attorneys.

7. All of the legal costs sought herein were incurred "seeking payment under Title XVI and the plain language of Section 57.8(l) of the Act allows for the awarding of legal fees." Illinois Ayers Oil Co. v. IEPA, PCB 03-214, at p. 8 (Aug 5, 2004) (citation omitted). A necessary step in seeking payment was not only to timely file an appeal with the Board, but also to obtain an order of reversal from the Appellate Court, and hopefully with this motion, a Board order mandating that the Agency re-issue the decision letter without application of the \$100,000 deductible forthwith. Cf. McNeil v. Ketchens, 2011 IL App (4th) 110253 ¶12, ¶ 13 & ¶22 (following remand without instructions, trial court authorized to enter judgment orders based upon appellate court ruling). The Board ruled that the two decision letters issued during this appeal were void and without authority. To briefly recapitulate, this appeal arose from an application for payment of \$83,912.58, which was denied because a \$100,000 deductible was substituted for the previously applied \$10,000 deductible, and the Agency determined that the residual would be deducted from future payments. During the course of the appeal, the Agency unsuccessfully sought to moot the case by issuing letters that authorized payment of \$83,908.73, the difference apparently a clerical error. (Board Order of Nov. 7, 2013, at p. 7) Therefore, a new decision letter should issue, approving the amount requested (\$83,912.58), accounting for the

amount previously paid on this claim (\$83,908.73), without any reference to a \$100,000 deductible and any balance to be met from future submittals.

8. The Board has previously held that the scope of Section 57.8(l) includes not merely applications for payment, but also any of “numerous steps which must be followed in order for an owner or operator to seek and receive reimbursement for leaking UST corrective action.” Illinois Ayers v. IEPA, PCB 03-214, at pp. 7-8 (Aug. 5, 2004) (budget submittal); see also Dickerson v. IEPA, PCB 09-87, at p. 8 (Sept. 2, 2010)(remand to Agency). All of the legal costs incurred and evidenced in the attached materials were necessary steps for seeking and receiving reimbursement from the LUST Fund.

9. The award of legal costs are discretionary with the Board. Ted Harrison Oil Co. v. IEPA, PCB 99-127 (Oct. 16, 2003). Historically, the Board has initially and fully considered the reasonableness of the claimed legal defense costs before exercising its discretion to authorize their payment. Evergreen FS, v. IEPA, PCB No. 11-51 (Sept. 6, 2012). In Illinois Ayers Co. V. IEPA, PCB 03-214 (Aug. 5, 2004), the petitioner urged the Board to follow federal precedents arising under public interest statutes, which assume that a prevailing party “should ordinarily recover an attorney’s fee unless special circumstances would render such an award unjust.” Hensley v. Eckerhart, 461 U.S. 424, 429 (1983). While the Board has made no express comment on this presumption, the Board has generally awarded litigation costs whenever the “case raised important issues regarding Agency determinations on reimbursement from the UST Fund.” PAK-AGS v. IEPA, PCB 15-14, at p. 7 (March 5, 2015).

10. As a practical matter, the Board has exercised its discretion to award reasonable legal defense costs in all cases where it evaluated its discretion. Chatham BP v. IPEA, PCB 15-

173 (Sept. 3, 2015); McAfee v. IEPA, PCB 15-84 (May 21, 2015); PAK-AGS v. IEPA, PCB 15-14 (March 5, 2015); Chatham BP v. IEPA, PCB 14-1 (Feb. 5, 2015); Wheeling/GWA Auto Shop, v. IEPA, PCB 10-70 (Sept. 22, 2011); Evergreen FS v. IEPA, PCB 11-51 (Sept. 6, 2012); Zervos Three, v. IEPA, PCB 10-54 (June 2, 2011); Dickerson Petroleum v. IEPA, PCB 09-87 (Dec. 2, 2010); Prime Location Properties v. IEPA, PCB 9-67 (Nov. 5, 2009); Swif-T Food Mart v. IEPA, PCB No. (Aug. 19, 2004); Illinois Ayers Co. v. IEPA, PCB No. 03-214 (Aug 5, 2004); Ted Harrison Oil Co. V. IEPA, PCB 99-127 (Oct. 16, 2003); see also Webb & Sons. v. IEPA, PCB No. 07-24 (May 3, 2007) (discretion exercised to award 45% of fees which was proportionate with the degree of success).

11. The only potential exception to the exercise of discretion was Prime Location Properties, PCB 09-67 (Nov. 15, 2012), wherein a supplemental request for reimbursement of additional legal costs following an appeal were denied. The primary issue was jurisdictional: “The Fifth District’s order and mandate were silent on any further Board action.” Id. at p. 7. However, the Board also indicated that the petitioner could have supplemented its reimbursement request prior to appeal, and thus “[e]ven if the Board were to find that it is authorized to grant such a motion, the Board would have misgivings about exercising its discretion” which would risk “fostering piecemeal litigation, both before the Board and the Appellate Court.” Id. Whether or not these “misgivings” constituted an actual or hypothetical refusal to exercise discretion, the situation is dissimilar. The Court’s mandate herein was not silent as to further Board action, and there was not a previous opportunity to submit proofs of legal costs.

12. Moreover, additional grounds for an award of legal defense costs exist because the Appellate Court expressly found that “the administrative rule in question in this case . . . is

invalid insofar as it allows the Agency to apply a deductible the Agency determined to be appropriate as opposed to the deductible the State Fire Marshal determined to be appropriate when a party has elected to proceed pursuant to Title XVI of the Act.” (Slip Opinion, at p. 15) Under Section 10-55 of the Administrative Procedure Act, a petitioner who invalidates a rule is required to be reimbursed legal fees. (5 ILCS 100/10-55(c))¹ The Board has found this to be a “compelling reason” to award legal fees under Section 57.8(l) of the Act. Illinois Ayers Co. v. IEPA, PCB No. 03-214, at p. 9 (Aug 5, 2004).

13. Accordingly, Petitioner asks the Board to similarly exercise its discretion to award the legal defense costs incurred seeking payment for corrective action under Title XVI.

¹ “The purpose of the fee-shifting provisions of section 10-55(c) of the Illinois Administrative Procedure Act is to discourage enforcement of invalid rules and give those subject to regulation an incentive to oppose doubtful rules where compliance would otherwise be less costly than litigation.” Citizens Organizing Project v. IDNR, 189 Ill.2d 593 (Jan. 21, 2000) (directing trial court to award litigation expenses, including those from appeal).

WHEREFORE, Petitioner, ESTATE OF GERALD D. SLIGHTOM, requests that the Board enter a final order, directing the Agency to reissue the decision letter herein without assessing a \$100,000 deductible, authorizing payment from the leaking underground storage tank fund the amount of \$79,455.26 in attorney's fees and litigation costs pursuant to 415 ILCS 5/57.8(1), and such other and further relief as the Board deems meet and just.

Respectfully submitted,

ESTATE OF GERALD D. SLIGHTOM
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW
Its attorneys

BY: /s/ Patrick D. Shaw

Patrick D. Shaw
LAW OFFICE OF PATRICK D. SHAW
80 Bellerive Road
Springfield, IL 62704
217-299-8484

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ESTATE OF GERALD D. SLIGHTOM,)	
Petitioner,)	
)	
v.)	PCB No. 11-25
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

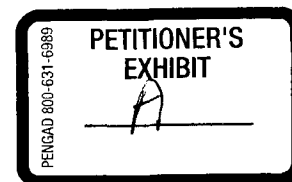
**AFFIDAVIT OF PATRICK D. SHAW
VERIFYING ATTORNEY FEES**

Affiant, Patrick D. Shaw, being first duly sworn, states as follows:

1. The statements made herein are based upon my personal knowledge, and I am competent to testify hereto.

2. I am an attorney duly licensed to practice law in the State of Illinois; and I am the attorney of record for Petitioner, Estate of Gerald D. Slightom, in the case Entitled Gerald D. Slightom v. IEPA, PCB 12-25.

3. During the course of this appeal, I sought legal advise and contributions from two of my former partners, Fred C. Prillaman, an environmental attorney, and Cheryl S. Neal, an estate attorney, who gave me advise on probate-related issues that arose. Attached hereto as Exhibit A-1 are printouts from the firm's bookkeeping software detailing legal defense costs incurred in this matter at our ordinary hourly billing rates:



2010

Fred. C. Prillaman	\$220.00
Cheryl S. Neal	\$180.00
Patrick D. Shaw	\$175.00

Starting March of 2012

Fred C. Prillaman	\$230.00
Cheryl S. Neal	\$190.00
Patrick D. Shaw	\$185.00

Starting February of 2014

Fred C. Prillaman	\$230.00
Cheryl S. Neal	\$200.00
Patrick D. Shaw	\$200.00

These are the regular and ordinary billing rates that we charged all of our clients. I am generally familiar with the hourly rates of environmental attorneys practicing in Springfield, Illinois, and believe this rate to be comparable, if not less, than other such attorneys.

4. I began working on the appeal in December of 2010, after the Estate's consultant received an Agency letter denying payment and assessing a \$100,000 deductible.

5. After the initial petition for review was filed, action was stayed to determine whether the matter could be settled. On June 16, 2011, the Agency filed a motion for summary judgment, which would lead to a motion for reconsideration (Jan. 9, 2012), and a renewal of the motion with request for an interlocutory appeal to the Appellate Court (March 2, 2012). These all involved substantial briefing, while at the same time Petitioner unsuccessfully sought an order

to compel discovery (June 29, 2011 and September 6, 2011). Thereafter, the parties filed cross-motions for summary judgment, which were denied on November 1, 2012. After that decision, the parties again discussed settlement, and given the substantial legal costs to date, I waited for the Board's ruling in L. Keller Oil Properties/Farina v. IEPA, PCB 06-189, wherein the Board had provisionally ruled that it was not authorized to award legal defense costs as part of a settlement, and after briefing confirmed that ruling on July 25, 2013. Thereafter, the Agency issued a new decision letter and filed a motion to dismiss the appeal as moot, which Petitioner objected to, to the extent it sought to moot Petitioner's right to petition for reimbursement of legal defense costs. The Board found the letter was void, and the parties went to hearing. After the final judgment was entered, Petitioner appealed the matter to the Illinois Appellate Court.

6. Altogether the case involved substantial briefing, including complex issues involving probate law, legislative and regulatory history, and novel procedural and jurisdictional issues such as those arising from the Agency's issuance of new decision letter during the course of litigation. This has been the most extensive and complicated leaking underground storage tank appeal of which I have ever been involved.

7. During the course of this litigation, the law firm of Mohan, Alewelt, Prillaman & Adami dissolved, and I continued my representation as a sole practitioner, wherein I participated in oral arguments and prepared this attorney fee petition. I utilize similar billing software, and a printout of the bills incurred as of August 31, 2015, are attached hereto as Exhibit A-2.

8. Attached hereto as Exhibits A-1 and A-2 is an accurate summary of the legal work done and the attorney's fees incurred with respect to this matter. This summary has been taken from the respective billings programs of my former law firm and current sole practice, and

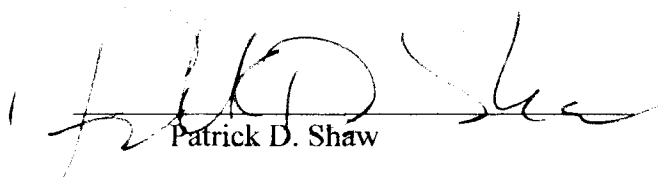
reflects actual work performed and fees incurred. The summary reveals the date the work was performed, the description of the work performed, the amount of time spent, and the total fees incurred.

9. There are three entries for which reimbursement is not being sought and have been redacted: June 28, 2012 (\$55.50); January 28, 2013 (\$166.50); and April 15, 2014 (\$69.00). As a result, \$291.00 has been deducted from the next paragraph.

10. After deducting \$291.00 set forth in paragraph 9 supra, the legal defense costs incurred in seeking payment for corrective action herein total \$79,455.26, consisting of \$70,919.00 in legal fees incurred from the Mohan law firm, \$5,456.26 in costs incurred from the Mohan law firm, and \$3,080 in legal fees incurred from the Shaw solo practice.

FURTHER AFFIANT SAYETH NOT.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


Patrick D. Shaw

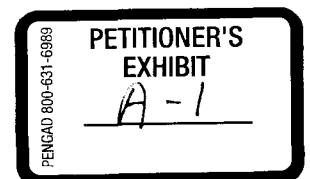
Mohan, Alewelt, Prillaman & Adami
 1 North Old State Capitol Plaza
 Suite 325
 Springfield, IL 62701-1323

Invoice submitted to:
 CSD Environmental Services
 2220 Yale Blvd.
 Springfield IL 62703

September 04, 2015

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>November 2010</u>		
11/30/2010 To CSD for conf. w/Davis and Thorpe re Slightom; briefing and timeline; memo to PDS.	3.30 220.00/hr	726.00
SUBTOTAL:	[3.30	726.00]
<u>December 2010</u>		
12/1/2010 Revise memo to PDS (x3). Prepare timeline (x3). Email Cindy Davis. Rec reply.	1.20 220.00/hr	264.00
12/2/2010 Tel conf w/Cindy Davis (x2). Briefing on Public Act 88-496 (x2). Fax to Cindy Davis.	0.70 220.00/hr	154.00
12/3/2010 Draft petition for review; e-mail questions to Shane; e-mail copy of draft petition to client; draft ltr to Bill Nichelson w/ copy of draft petition for review	4.00 175.00/hr	700.00
Rec & rev contract for Slightom Estate.	0.40 220.00/hr	88.00
12/6/2010 Finalize Petition for Review and file	1.00 175.00/hr	175.00
12/7/2010 Receive & review ltr from Shane w/ proposed changes to Petition; draft ltr transmitting to client;	0.50 175.00/hr	87.50
12/10/2010 Draft ltr sending copy of recent filing to Nichelson	0.10 175.00/hr	17.50



CSD Environmental Services

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
12/16/2010 Receive & review email from Shane re FOIA	0.10 175.00/hr	17.50
12/20/2010 Receive & review Board order provisionally accepting appeal; email to Shane re same	0.40 175.00/hr	70.00
SUBTOTAL:	[8.40	1,573.50]
<u>January 2011</u>		
1/6/2011 Rec & rev email from Shane Thorpe re \$5K deductible.	0.20 220.00/hr	44.00
Receive & review email from Shane re new rules; reply	0.20 175.00/hr	35.00
1/12/2011 Prepare amended petition for review; e-mail to/from Shane for confirmation of green card dates	0.50 175.00/hr	87.50
1/24/2011 Receive & review Hrg Officer order; prepare waiver of decision deadline	0.20 175.00/hr	35.00
SUBTOTAL:	[1.10	201.50]
<u>February 2011</u>		
2/1/2011 E-mail to Shane message regarding status, including memo summarizing North Aurora case; review Agency website guidance re two deductibles; e-mail opinion re same to Shane	1.70 175.00/hr	297.50
2/15/2011 Receive & review message fro Shane	0.20 175.00/hr	35.00
SUBTOTAL:	[1.90	332.50]
<u>March 2011</u>		
3/16/2011 Tel conf. w/ Hrg Officer and Agency; tel Jarvis about Agency's position on case	0.20 175.00/hr	35.00
3/18/2011 Receive & review Hrg Officer order	0.10 175.00/hr	17.50
3/24/2011 E-mail to client regarding conversation with Melanie Jarvis last week; e-mail to client regarding recent Board decision and it's potential impact on case	0.80 175.00/hr	140.00
3/28/2011 Draft waiver of decision deadline	0.10 175.00/hr	17.50

CSD Environmental Services

Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
SUBTOTAL:	[1.20	210.00]
<u>May 2011</u>		
5/17/2011 Hearing Status Conference	0.10 175.00/hr	17.50
5/18/2011 Receive & review Hrg Officer order	0.10 175.00/hr	17.50
SUBTOTAL:	[0.20	35.00]
<u>June 2011</u>		
6/2/2011 Draft waiver of decision deadline	0.20 175.00/hr	35.00
6/15/2011 Receive & review motion for sum. jdgmt. and admin. record; e-mail initial observations and motion to client	0.70 175.00/hr	122.50
6/20/2011 Review administrative record, create index; fax review pages to client; e-mail to client re strategy	3.70 175.00/hr	647.50
6/22/2011 Receive & review email reply from client with directions	0.10 175.00/hr	17.50
6/24/2011 E-mails to and From Melanie Jaris regarding deposition/discovery dispute; e-mail to client regarding same; research case cited by Jarvis; start identifying Board discover/scope of hearing cases	2.90 175.00/hr	507.50
6/28/2011 Draft motions to compel/continuance	5.00 175.00/hr	875.00
6/29/2011 Finalize and file motion to compel and motion for extension of time	4.00 175.00/hr	700.00
6/30/2011 Receive & review e-mail from Shane Thorpe responding to query about record	0.30 175.00/hr	52.50
SUBTOTAL:	[16.90	2,957.50]
<u>July 2011</u>		
7/1/2011 Telephone Bill Ingersoll; dictate memo to file re conversation	0.80 175.00/hr	140.00
7/5/2011 Revise memo	0.20 175.00/hr	35.00

CSD Environmental Services

Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
7/8/2011 Receive and review IEPA's objections to deposition and continuance; Conference w/ FCP; draft e-mail transmitting recent filings to client and memo of conversation with Ingersoll	1.60 175.00/hr	280.00
7/11/2011 Telephone conference w/ Cindy Davis regarding response to recent developments	0.70 175.00/hr	122.50
7/15/2011 Receive & review Hrg Officer Order; e-mail to client re same	1.20 175.00/hr	210.00
7/18/2011 Prepare and file notice of deposition of Catherine Elston	0.50 175.00/hr	87.50
7/19/2011 Telephone conference w/ Melanie Jarvis; tel conf. w/Hrg Officer and IEPA re status and pending motions	0.30 175.00/hr	52.50
Receive & review motion to quash; forward to client w/ message; receive reply	0.40 175.00/hr	70.00
7/21/2011 Conference PDS re different legal entity (estate v. decedent) for purposes of UST program with IEPA	0.30 180.00/hr	54.00
Begin reply on discovery issues; review cases cited by IEPA	2.70 175.00/hr	472.50
7/22/2011 Receive & review Hrg Officer Order	0.10 175.00/hr	17.50
Research and draft reply	3.40 175.00/hr	595.00
E-mail to Shane requesting documents; receive and review same	1.50 175.00/hr	262.50
7/25/2011 Research and draft reply on discovery issues	5.50 175.00/hr	962.50
7/26/2011 Draft reply; review Board decisions where discovery/depositions were allowed	5.80 175.00/hr	1,015.00
7/27/2011 Conference w/ partner regarding estate law issues; research estate law and draft section regarding same for reply	6.00 175.00/hr	1,050.00
7/28/2011 Review administrative record, identifying discrepancies; draft email to Shane Thorpe asking about content of administrative record; receive response; e-mail draft filing to client	5.60 175.00/hr	980.00
7/29/2011 Revise and file reply to motion to compel	3.00 175.00/hr	525.00

CSD Environmental Services

Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
SUBTOTAL:	[39.60	6,931.50]
<u>August 2011</u>		
8/9/2011 Receive & review Sur-Objection to Motion to Compel and Motion to Strike	0.70 175.00/hr	122.50
8/12/2011 Receive & review Hrg Officer Order; forward to client with comments	0.50 175.00/hr	87.50
8/17/2011 E-mail to client regarding Hrg Officer order and opinion about options going forward	1.50 175.00/hr	262.50
8/18/2011 Receive & review email reply from client	0.20 175.00/hr	35.00
8/23/2011 Status Conf. w/ Board and Hearing Officer; follow-up e-mail re scheduling	0.10 175.00/hr	17.50
8/24/2011 E-mail to client summarizing status conference yesterday	0.40 175.00/hr	70.00
Review and organize file; begin draft statement of facts to be used for responses	4.60 175.00/hr	805.00
E-mail to client regarding strategy going forward	0.60 175.00/hr	105.00
8/25/2011 Receive & review email from client w/ comments & questions; e-mail reply	0.40 175.00/hr	70.00
Draft Statement of Facts; research caselaw on motions to continue for discovery	5.60 175.00/hr	980.00
8/26/2011 Receive & review Hearing Officer Order	0.10 175.00/hr	17.50
Revise statement of facts; review UST procedural rules history; request add'l docs from client not in record	3.00 175.00/hr	525.00
8/29/2011 Draft appeal of hearing officer order; review Board rulings on appeals and procedural rules	5.20 175.00/hr	910.00
Draft and file limited waiver of decision deadline	0.10 175.00/hr	17.50
Receive & review add'l documents for response to motion for summary judgment	0.60 175.00/hr	105.00

CSD Environmental Services

Page 6

	<u>Hrs/Rate</u>	<u>Amount</u>
8/31/2011 Begin research and drafting response to motion for summary judgment	5.00 175.00/hr	875.00
SUBTOTAL:	[28.60	5,005.00]
<u>September 2011</u>		
9/1/2011 Revise and forward draft response to motion for s.j. to client for review; draft forwarding e-mail.	4.50 175.00/hr	787.50
9/2/2011 Telephone Cindy Davis; review comments to draft motion from client and FCP; draft affidavit of Shane Thorpe and assemble exhibits to include with motion; revise response to mot. s.j.	6.70 175.00/hr	1,172.50
9/6/2011 Conf. at client's; review filings together; amend and file motion to appeal and response to motion for s.j.	4.20 175.00/hr	735.00
9/14/2011 Receive & review Agency reply to response to motion for summary judgment and motion for interlocutory appeal; e-mail to client w/ comments.	0.60 175.00/hr	105.00
9/19/2011 Draft surreply; receive e-mail from client re issues for surreply.	5.60 175.00/hr	980.00
9/20/2011 Revise draft surreply and forward to client with e-mail regarding same.	2.50 175.00/hr	437.50
9/26/2011 E-mail to client regarding status of review of surreply.	0.10 175.00/hr	17.50
9/27/2011 Review and file motion for leave to file surreply instanter.	0.20 175.00/hr	35.00
SUBTOTAL:	[24.40	4,270.00]
<u>October 2011</u>		
10/4/2011 Receive & review Objection to Motion to File Surreply	0.40 175.00/hr	70.00
10/24/2011 Draft e-mail to client re status of pending motions; transmit last motions	0.50 175.00/hr	87.50
10/25/2011 Telephone conference	0.10 175.00/hr	17.50
Receive & review Hrg Officer order	0.10 175.00/hr	17.50

CSD Environmental Services

Page 7

	<u>Hrs/Rate</u>	<u>Amount</u>
SUBTOTAL:	[1.10	192.50]
<u>November 2011</u>		
11/21/2011 Receive & review Board Order denying mot. s.j. and ordering discovery; e-mail to client with opinions	0.50 175.00/hr	87.50
11/22/2011 Receive & review e-mail from client re recent opinion; e-mail reply	0.60 175.00/hr	105.00
11/30/2011 Receive & review further question about old law and recent Board opinion; review pre-93 provisions regarding eligibility; e-mail reply to client	2.20 175.00/hr	385.00
Receive & review questions about strategy going forward; reply	0.50 175.00/hr	87.50
SUBTOTAL:	[3.80	665.00]
<u>December 2011</u>		
12/14/2011 Receive & review motion for reconsideration	0.40 175.00/hr	70.00
12/15/2011 E-mail to client motion for reconsideration and comments re same	0.50 175.00/hr	87.50
12/20/2011 Telephone conference w/ Hrg Officer	0.10 175.00/hr	17.50
12/21/2011 Draft and file waiver of decision deadline	0.10 175.00/hr	17.50
12/27/2011 Receive & review Hrg Officer order	0.10 175.00/hr	17.50
Research and draft motion for reconsideration (no charge)	3.60 175.00/hr	NO CHARGE
12/28/2011 Research and draft response in opposition to motion for reconsideration	5.60 175.00/hr	980.00
SUBTOTAL:	[10.40	1,190.00]
<u>January 2012</u>		
1/23/2012 Receive & review Board order denying motion for reconsideration	0.40 175.00/hr	70.00

CSD Environmental Services

Page 8

	<u>Hrs/Rate</u>	<u>Amount</u>
1/24/2012 Telephone conference w/ Hrg Officer and IEPA	0.10 175.00/hr	17.50
1/26/2012 Receive & review Hrg Officer Order	0.10 175.00/hr	17.50
SUBTOTAL:	[0.60	105.00]
<u>February 2012</u>		
2/3/2012 Draft waiver of decision deadline	0.10 175.00/hr	17.50
SUBTOTAL:	[0.10	17.50]
<u>March 2012</u>		
3/2/2012 Receive & review motion requesting finding	0.10 185.00/hr	18.50
3/8/2012 E-mail to client copy of recent motion with legal opinions on moving forward; e-mails re scheduling mtg	0.40 185.00/hr	74.00
3/9/2012 E-mail to client re options to respond	0.30 185.00/hr	55.50
3/14/2012 Office conference w/Cindy Davis and Shane Thorpe.	1.20 230.00/hr	276.00
Review motion and research interlocutory appeals; conference with client on strategy going forward	3.80 185.00/hr	703.00
3/15/2012 Research and draft response in opposition to motion for ripeness/appeal; review files in supplemental record and forward to consultant; receive and review response from consultant; reply	5.20 185.00/hr	962.00
3/16/2012 E-mail to and from consult regarding completeness of record; revise and file response to motion for ripeness	0.70 185.00/hr	129.50
Telephone conference Jarvis re record	0.10 185.00/hr	18.50
3/23/2012 E-mail to client copy of response to motion filed	0.30 185.00/hr	55.50
3/27/2012 Receive & review reply in support of motion for finding/appeal	0.20 185.00/hr	37.00

CSD Environmental Services

Page 9

	<u>Hrs/Rate</u>	<u>Amount</u>
3/30/2012 Forward reply to motion to dismiss to client	0.10 185.00/hr	18.50
SUBTOTAL:	[12.40	2,348.00]
<u>April 2012</u>		
4/16/2012 Telephone conference w/ Hrg Officer	0.10 185.00/hr	18.50
4/18/2012 Receive & review Hrg Officer Order	0.10 185.00/hr	18.50
4/25/2012 Receive & review Order of Board denying Agency's motion	0.30 185.00/hr	55.50
4/27/2012 E-mail to client rearding Board decision; receive e-mail from Jarvis	0.30 185.00/hr	55.50
Draft and file waiver of decision deadline	0.10 185.00/hr	18.50
SUBTOTAL:	[0.90	166.50]
<u>May 2012</u>		
5/16/2012 Receive & review motion for summary judgment; forward to client w/ thoughts; receive questions and e-mail reply	0.60 185.00/hr	111.00
5/22/2012 Draft e-mail to Melanie for extra time; draft and file motion for extension of time to respond to motion for summary judgment (no charge)	0.90 185.00/hr	NO CHARGE
Review documents in record; begin drafting document list and record chronology	3.90 185.00/hr	721.50
Draft e-mail to Shane Thorpe regarding questions/information from newly disclosed info	1.20 185.00/hr	222.00
5/23/2012 Review record; continue drafting/revising table of record/ chronology	3.30 185.00/hr	610.50
5/24/2012 E-mail to Shane Thorpe w/question; receive response	0.20 185.00/hr	37.00
Research statutory history of UST program re eligibility determinations; outline changes	5.10 185.00/hr	943.50
5/25/2012 Review printouts of digital record; incorporate into existing and supplemental record; update chronology; begin drafting statement of facts	5.80 185.00/hr	1,073.00

CSD Environmental Services

Page 10

	<u>Hrs/Rate</u>	<u>Amount</u>
5/29/2012 Draft summary/statement of facts	3.00 185.00/hr	555.00
5/30/2012 Research and review appellate court cases on UST program and outline relevant facts and holdings	3.20 185.00/hr	592.00
SUBTOTAL:	[27.20	4,865.50]
<u>June 2012</u>		
6/1/2012 Receive & review Hrg Officer order granting ext. time (no charge)	0.10 185.00/hr	NO CHARGE
6/7/2012 Revise administrative record index and summary of facts	1.50 185.00/hr	277.50
6/8/2012 Telephone conference w/ Bill Nicholson re affidavit; revise statement of facts; draft affidavit and forward to B.N.; draft affidavit of Thorpe and forward to Thorpe; begin drafting legal portion of sjm	4.50 185.00/hr	832.50
6/11/2012 Research and begin draft of response to motion for sj of Agency	2.90 185.00/hr	536.50
6/12/2012 Draft and File response to motion for summary judgment	5.00 185.00/hr	925.00
Receive & review response from Nicholson; revise affidavit, e-mail questions to B.N.	1.00 185.00/hr	185.00
6/13/2012 Receive & review response from S. Thorpe re affidavit, etc.; renew drafting legal section of sjm	4.80 185.00/hr	888.00
6/14/2012 Research and draft estoppel arguments in brief	4.50 185.00/hr	832.50
6/19/2012 Revise legal arguments of motion for summary judgment; integrate fact and legal sections of motion	7.00 185.00/hr	1,295.00
6/21/2012 Forward draft motion for summary judgment to client for review; send revised affidavit to Bill Nicholson for review; receive and approve revisions; work on adding revised record index to motion	2.30 185.00/hr	425.50
6/25/2012 Telephone conference w/ Hrg Officer and IEPA	0.10 185.00/hr	18.50
6/27/2012 Receive & review status conf. report from Hrg Officer	0.10 185.00/hr	18.50
6/28/2012 [REDACTED]	0.30 185.00/hr	55.50

CSD Environmental Services

Page 11

	<u>Hrs/Rate</u>	<u>Amount</u>
6/28/2012 Revise and forward affidavit of Thorpe to Thorpe; e-mail reply to Thorpe	0.40 185.00/hr	74.00
Conference PDS re Cindy Davis work on Estate property	0.20 190.00/hr	38.00
6/29/2012 Finalize motion for summary judgment and organize exhibits and file	2.30 185.00/hr	425.50
 SUBTOTAL:	 [37.00	 6,827.50]
<u>July 2012</u>		
7/12/2012 E-mails to Bill N. and Shane Thorpe w/ copy of motion	0.30 185.00/hr	55.50
 SUBTOTAL:	 [0.30	 55.50]
<u>August 2012</u>		
8/27/2012 Telephone conference w/ Hrg Officer and IEPA	0.10 185.00/hr	18.50
8/29/2012 Receive & review Hrg Officer order	0.10 185.00/hr	18.50
 SUBTOTAL:	 [0.20	 37.00]
<u>September 2012</u>		
9/7/2012 Draft and file Waiver of Decision deadline	0.10 185.00/hr	18.50
 SUBTOTAL:	 [0.10	 18.50]
<u>October 2012</u>		
10/30/2012 Telephone conference w/ Hrg Officer & IEPA atty; tel conf. w/ Jarvis re decision	0.30 185.00/hr	55.50
 SUBTOTAL:	 [0.30	 55.50]
<u>November 2012</u>		
11/1/2012 Receive & review Hrg Officer Order	0.10 185.00/hr	18.50

CSD Environmental Services

Page 12

	<u>Hrs/Rate</u>	<u>Amount</u>
11/2/2012 Draft and file waiver of decision deadline	0.10 185.00/hr	18.50
E-mail to Shane re upcoming Board decision, denying cross motions	0.40 185.00/hr	74.00
11/8/2012 Receive & review Board order, draft e-mail transmitting and commenting on same	2.50 185.00/hr	462.50
SUBTOTAL:	[3.10	573.50]
<u>January 2013</u>		
1/16/2013 E-mail to Cindy Davis regarding status	0.10 185.00/hr	18.50
1/17/2013 Receive and review revised scheduling order	0.10 185.00/hr	18.50
1/25/2013 E-mail to Jarvis, asking about depositions	0.10 185.00/hr	18.50
Telephone Bill Nichelson	0.50 185.00/hr	92.50
1/28/2013 [REDACTED]	0.90 185.00/hr	166.50
SUBTOTAL:	[1.70	314.50]
<u>February 2013</u>		
2/7/2013 Receive & review e-mail from Jarvis re settlement; forward to client with comments; receive e-mail from Shane and reply	0.70 185.00/hr	129.50
2/13/2013 Telephone conference w/ Hrg. Officer & A.G.	0.10 185.00/hr	18.50
2/14/2013 E-mail to Shane re settlement issues	1.00 185.00/hr	185.00
2/15/2013 Receive & review Board Hearing Officer Order	0.10 185.00/hr	18.50
SUBTOTAL:	[1.90	351.50]

CSD Environmental Services

Page 13

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>March 2013</u>		
3/13/2013 E-mail to Cindy Davis re status	0.60 185.00/hr	111.00
SUBTOTAL:	[0.60	111.00]
<u>April 2013</u>		
4/15/2013 Telephone conference w/ Hrg Officer&IEPA atty	0.10 185.00/hr	18.50
4/17/2013 Receive & review Hrg Officer order	0.10 185.00/hr	18.50
SUBTOTAL:	[0.20	37.00]
<u>May 2013</u>		
5/29/2013 E-mail to client regarding possibility of settling dispute	0.10 185.00/hr	18.50
SUBTOTAL:	[0.10	18.50]
<u>June 2013</u>		
6/24/2013 Telephone Jarvis; tel. conf/ IEPA & Hrg Officer	0.10 185.00/hr	18.50
6/28/2013 Draft and file waiver of decision deadline	0.10 185.00/hr	18.50
SUBTOTAL:	[0.20	37.00]
<u>August 2013</u>		
8/16/2013 E-mail to Shane re recent Board decision against settlement	0.50 185.00/hr	92.50
8/28/2013 E-mail to Shane re scheduling hrg	0.10 185.00/hr	18.50
8/30/2013 E-mail to Jarvis regarding hearing request and asking whether objections to IEPA testimony	0.10 185.00/hr	18.50
SUBTOTAL:	[0.70	129.50]

CSD Environmental Services

Page 14

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>September 2013</u>		
9/3/2013 Conference Status w/ Hrg Officer & IEPA; draft ltr to client advising of Agency's capitulation position and advising opinion re same	0.90 185.00/hr	166.50
9/5/2013 Receive & review Hrg Officer Order	0.10 185.00/hr	18.50
Receive & review response, requesting mrg; e-mail reply; various scheduling e-mails	0.40 185.00/hr	74.00
9/10/2013 Receive & review motion to dismiss; draft e-mail to client transmitting same	0.30 185.00/hr	55.50
9/12/2013 Conference w/client at office regarding recent Agency filing	1.00 185.00/hr	185.00
9/13/2013 Draft and file waiver of decision deadline	0.10 185.00/hr	18.50
9/19/2013 Research mootness issues	5.40 185.00/hr	999.00
9/20/2013 Draft and research opposition to motion to dismiss	5.70 185.00/hr	1,054.50
9/23/2013 Revise and forward draft opposition to client for review	5.30 185.00/hr	980.50
9/24/2013 Telephone client; revise and file	2.50 185.00/hr	462.50
SUBTOTAL:	[21.70	4,014.50]
<u>October 2013</u>		
10/1/2013 E-mail to reschedule status conference	0.20 185.00/hr	37.00
10/4/2013 Receive & review reply in support of motion to dismiss	0.50 185.00/hr	92.50
10/11/2013 Research and draft surreply and motion to file surreply; e-mails to client	5.10 185.00/hr	943.50
E-mail to client reply and reccomendations for surreply	0.20 185.00/hr	37.00
10/28/2013 E-mail to Shane re status and copy of surreply	0.30 185.00/hr	55.50

CSD Environmental Services

Page 16

	<u>Hrs/Rate</u>	<u>Amount</u>
12/18/2013 Draft motion for reconsideration; forward to client for review	5.00 185.00/hr	925.00
12/19/2013 Revise and file motion for reconsideration	1.50 185.00/hr	277.50
SUBTOTAL:	[19.90	3,681.50]
<u>February 2014</u>		
2/5/2014 Receive & review Board opinion rejecting reconsideration; e-mail client	0.70 200.00/hr	140.00
2/24/2014 Telephone Shand Thorpe re hrg setting	0.40 200.00/hr	80.00
Telephone conf. w/ Hrg Officer & IEPA	0.10 200.00/hr	20.00
2/27/2014 Receive & review Hrg Officer Order	0.10 200.00/hr	20.00
SUBTOTAL:	[1.30	260.00]
<u>March 2014</u>		
3/11/2014 Draft waiver of decision deadline	0.10 200.00/hr	20.00
3/24/2014 Receive & review e-mail regarding "excess payments" letter; e-mail reply	0.20 200.00/hr	40.00
3/28/2014 Review Board procural rules regarding excess payments; e-mail to client reccommendation to appeal as precaution	0.40 200.00/hr	80.00
SUBTOTAL:	[0.70	140.00]
<u>April 2014</u>		
4/1/2014 E-mail from Thorpe re ideas for next week's hearing; e-mail response and questions; review reply	0.50 200.00/hr	100.00
4/2/2014 Draft petition for review of excess payment determination; e-mail to client	3.70 200.00/hr	740.00
Draft and serve notices to appear to Bauer and Elston; e-mail to Jarvis	0.40 200.00/hr	80.00

CSD Environmental Services

Page 17

	<u>Hrs/Rate</u>	<u>Amount</u>
4/3/2014 Telephone Shane Thorpe re next week's hearing	0.50 200.00/hr	100.00
Revise petition for review; e-mail client copy	0.30 200.00/hr	60.00
4/4/2014 Receive & review e-mail from Shane w/ copy of cancelled check	0.10 200.00/hr	20.00
4/9/2014 Tel Thorpe; receive & review copy of IEPA database from '07; e-mail copy of previous Thorpe affidavit to Thorpe; prepare exhibits; prepare outline of questions; review summary judgment filings	6.00 200.00/hr	1,200.00
4/10/2014 Hearing; conf. w/ Thorpe	2.50 200.00/hr	500.00
4/14/2014 Receive & review Hearing Report	0.10 200.00/hr	20.00
4/15/2014 [REDACTED]	0.30 230.00/hr	69.00
 SUBTOTAL:	 [14.40	 2,889.00]
 <u>May 2014</u>		
5/1/2014 Review transcript of hearing; review statement of facts and summaries from previous filings; integrate new state statement of facts	6.20 200.00/hr	1,240.00
5/2/2014 Revise statement of facts; draft outline of legal arguments	5.70 200.00/hr	1,140.00
5/5/14 Revise draft brief; forward Statement of Facts section to client; receive comments and revise brief; continue draft of legal arguments	6.20 200.00/hr	1,240.00
5/6/2014 Telephone Conf. w/ Hrg Officer and IEPA	0.10 200.00/hr	20.00
Revise brief; research voluntary payment doctrine	4.40 200.00/hr	880.00
5/8/2014 Draft e-mail forwarding brief to client	0.10 200.00/hr	20.00
5/27/2014 Draft waiver of decision deadline	0.10 200.00/hr	20.00
5/28/2014 Receive & review Response brief; e-mail to and from client re same; research deductible issue	3.50 200.00/hr	700.00

CSD Environmental Services

Page 18

	<u>Hrs/Rate</u>	<u>Amount</u>
5/29/2014 Draft and research reply	4.20 200.00/hr	840.00
5/30/2014 Draft reply brief	4.40 200.00/hr	880.00
SUBTOTAL:	[34.90	6,980.00]
<u>June 2014</u>		
6/2/2014 Revise Reply Brief; research voluntary payment doctrine and estoppel	4.60 200.00/hr	920.00
6/3/2014 Revise and file reply brief	4.20 200.00/hr	840.00
6/5/2014 E-mail to client copy of brief w/ discussion	0.50 200.00/hr	100.00
6/19/2014 Receive & review Hrg Officer Order	0.10 200.00/hr	20.00
6/20/2014 Receive & review e-mail re Board opinion; review Board opinion; e-mail summary of Board opinion and issues; e-mail opinion re options going forward; receive and review questions re opinion; reply	2.30 200.00/hr	460.00
6/23/2014 Telephone conference w/ client	0.40 200.00/hr	80.00
Receive & review dissenting opinion; e-mail to client re same	0.40 200.00/hr	80.00
Receive & review questions re appeal process / cost; reply; receive approval	0.60 200.00/hr	120.00
6/24/2014 Receive & review e-mail from Jarvis	0.10 200.00/hr	20.00
6/27/2014 Conference PDS re consequences of issuance of check made payable to estate; assignment issues	0.20 200.00/hr	40.00
SUBTOTAL:	[13.40	2,680.00]
<u>July 2014</u>		
7/2/2014 Research and draft appeal in Slightom	2.50 200.00/hr	500.00

CSD Environmental Services

Page 19

	<u>Hrs/Rate</u>	<u>Amount</u>
7/21/2014 Draft Docketing Statement	1.10 200.00/hr	220.00
SUBTOTAL:	[3.60	720.00]
<u>August 2014</u>		
8/19/2014 E-mail to client re status of appeal, and schedule	0.20 200.00/hr	40.00
8/25/2014 Telephone status conf. w/ Board hrg officer	0.10 200.00/hr	20.00
8/27/2014 Receive & review Hrg Officer order	0.10 200.00/hr	20.00
SUBTOTAL:	[0.40	80.00]
<u>September 2014</u>		
9/4/2014 Review record; draft index to record	4.80 200.00/hr	960.00
9/5/2014 Draft statement of facts; statement of case, introductory materials	3.40 200.00/hr	680.00
9/8/2014 Draft argument	3.50 200.00/hr	700.00
9/9/2014 Contact draft argument	4.00 200.00/hr	800.00
9/10/2014 Draft argument	3.40 200.00/hr	680.00
9/11/2014 Revise brief	3.70 200.00/hr	740.00
9/12/2014 Prepare brief for filing; assemble appendix materials	2.00 200.00/hr	400.00
SUBTOTAL:	[24.80	4,960.00]
<u>October 2014</u>		
10/17/2014 Receive & review motion for add'l time	0.10 200.00/hr	20.00

CSD Environmental Services

Page 20

	<u>Hrs/Rate</u>	<u>Amount</u>
10/20/2014 Receive & review order granting approval with new scheduling order	0.10 200.00/hr	20.00
10/27/2014 E-mail to client status	0.10 200.00/hr	20.00
E-mail to Shane status of recent filing	0.10 200.00/hr	20.00
 SUBTOTAL:	 [0.40	 80.00]
<u>November 2014</u>		
11/24/2014 E-mail to client re recent filings (extension/substitution)	0.10 200.00/hr	20.00
 SUBTOTAL:	 [0.10	 20.00]
<u>January 2015</u>		
1/7/2015 Telephone Appellate Court re status of motion for extension of time	0.10 200.00/hr	NO CHARGE
1/9/2015 Receive & review order granting extension	0.10 200.00/hr	NO CHARGE
1/12/2015 Receive & review comments from Shane re brief; reply	0.30 200.00/hr	60.00
1/14/2015 Review response brief; begin drafting reply	4.30 200.00/hr	860.00
1/15/2015 Research and draft reply brief	4.10 200.00/hr	820.00
1/16/2015 Revise reply brief and e-mail to client w/ comments	1.70 200.00/hr	340.00
1/21/2015 E-mail to client re removing section from the brief; receive response; reply	1.30 200.00/hr	NO CHARGE
 SUBTOTAL:	 [11.90	 2,080.00]
 For professional services rendered	 388.20	 \$71,210.00

CSD Environmental Services

Page 21

Additional Charges :

	<u>Amount</u>
<u>November 2010</u>	
11/30/2010 Lexis charges for November 2010.	39.34
Photocopying for November 2010.	1.60
SUBTOTAL:	[40.94]
<u>December 2010</u>	
12/27/2010 Check #26522 to Capital One, IL PCB fees, CSD Environment re Slighton	75.00
12/31/2010 Telephone charges for December 2010.	0.23
Lexis charges for December 2010.	179.29
Photocopying for December 2010.	3.20
Photocopying for December 2010.	3.60
SUBTOTAL:	[261.32]
<u>January 2011</u>	
1/31/2011 Lexis charges for January 2011.	14.27
Photocopying for January 2011.	2.40
SUBTOTAL:	[16.67]
<u>March 2011</u>	
3/31/2011 Photocopying for March 2011.	2.40
SUBTOTAL:	[2.40]
<u>June 2011</u>	
6/30/2011 Lexis charges for June 2011.	281.96
Postage for June 2011.	1.22
Photocopying for June 2011.	6.40

CSD Environmental Services

Page 22

	<u>Amount</u>
SUBTOTAL:	[289.58]
<u>July 2011</u>	
7/31/2011 Lexis charges for July 2011.	375.91
Photocopying for July 2011.	48.60
Postage for July 2011.	1.56
SUBTOTAL:	[426.07]
<u>August 2011</u>	
8/31/2011 Photocopying for August 2011.	1.60
Lexis charges for August 2011.	565.41
SUBTOTAL:	[567.01]
<u>September 2011</u>	
9/30/2011 Lexis charges for September 2011.	186.68
Photocopying for September 2011.	38.80
Postage for September 2011.	6.72
SUBTOTAL:	[232.20]
<u>October 2011</u>	
10/31/2011 Postage for October 2011.	1.56
SUBTOTAL:	[1.56]
<u>November 2011</u>	
11/30/2011 Lexis charges for November 2011.	32.19
Postage for November 2011.	1.26
Photocopying for November 2011.	3.60
SUBTOTAL:	[37.05]

CSD Environmental Services

Page 23

	<u>Amount</u>
<u>December 2011</u>	
12/31/2011 Postage for December 2011.	1.28
Photocopying for December 2011.	4.80
Photocopying for December 2011.	2.80
Postage for December 2011.	1.26
Lexis charges for December 2011.	249.49
SUBTOTAL:	[259.63]
<u>February 2012</u>	
2/29/2012 Postage for February 2012.	1.38
Photocopying for February 2012.	4.80
SUBTOTAL:	[6.18]
<u>March 2012</u>	
3/31/2012 Postage for March 2012.	3.00
Photocopying for March 2012.	3.60
Lexis charges for March 2012.	190.52
SUBTOTAL:	[197.12]
<u>April 2012</u>	
4/30/2012 Postage for April 2012.	1.14
Photocopying for April 2012.	4.80
SUBTOTAL:	[5.94]
<u>May 2012</u>	
5/31/2012 Lexis charges for May 2012.	222.36
Photocopying for May 2012.	63.80

CSD Environmental Services

Page 24

	<u>Amount</u>
SUBTOTAL:	[286.16]
<u>June 2012</u>	
6/30/2012 Telephone charges for June 2012.	0.04
Photocopying for June 2012.	23.20
Lexis charges for June 2012.	237.90
Postage for June 2012.	6.70
SUBTOTAL:	[267.84]
<u>July 2012</u>	
7/31/2012 Lexis charges for July 2012.	36.24
SUBTOTAL:	[36.24]
<u>September 2012</u>	
9/30/2012 Postage for September 2012.	1.22
Photocopying for September 2012.	3.00
SUBTOTAL:	[4.22]
<u>November 2012</u>	
11/30/2012 Photocopying for November 2012.	3.00
SUBTOTAL:	[3.00]
<u>March 2013</u>	
3/31/2013 Photocopying for March 2013.	1.40
Postage for March 2013.	1.52
SUBTOTAL:	[2.92]

CSD Environmental Services

Page 25

	<u>Amount</u>
<u>April 2013</u>	
4/30/2013 Photocopying for April 2013.	6.00
Postage for April 2013.	1.59
SUBTOTAL:	[7.59]
<u>June 2013</u>	
6/30/2013 Postage for June 2013.	1.52
Photocopying for June 2013.	4.80
SUBTOTAL:	[6.32]
<u>September 2013</u>	
9/30/2013 Lexis charges for September 2013.	194.29
Postage for September 2013.	2.84
Photocopying for September 2013.	4.80
SUBTOTAL:	[201.93]
<u>October 2013</u>	
10/31/2013 Postage for October 2013.	1.32
Photocopying for October 2013.	2.40
Telephone charges for October 2013.	0.08
SUBTOTAL:	[3.80]
<u>December 2013</u>	
12/31/2013 Lexis charges for December 2013.	264.74
Lexis charges for November 2013.	160.00
Postage for December 2013.	2.38
SUBTOTAL:	[427.12]

CSD Environmental Services

Page 26

	<u>Amount</u>
<u>March 2014</u>	
3/31/2014 Lexis charges for March 2014.	182.93
SUBTOTAL:	[182.93]
<u>April 2014</u>	
4/28/2014 Check #28246 to Capital One for IEPA/IPCB re CSD/Slighton, 4/4/14 Petition for Review	75.00
4/30/2014 Photocopying for April 2014.	1.60
Lexis charges for April 2014.	150.54
SUBTOTAL:	[227.14]
<u>May 2014</u>	
5/31/2014 Lexis charges for May 2014.	125.35
Photocopying for May 2014.	17.40
Postage for May 2014.	3.64
SUBTOTAL:	[146.39]
<u>June 2014</u>	
6/3/2014 Additional Lexis charges for May 2014 that were omitted.	106.13
6/30/2014 Photocopying for June 2014.	6.40
Lexis charges for June 2014.	317.56
Postage for June 2014.	1.80
SUBTOTAL:	[431.89]
<u>July 2014</u>	
7/2/2014 Check #28324 to Appellate Clerk-4th District, Appeal File Fee re PCB No. 11-25, Slighton v IPCB	25.00
7/31/2014 Photocopying for July 2014.	3.60
SUBTOTAL:	[28.60]

CSD Environmental Services

Page 27

	<u>Amount</u>
<u>September 2014</u>	
9/30/2014 Lexis charges for September 2014.	150.17
Postage for September 2014. Slighton	14.07
Photocopying for September 2014.	319.20
SUBTOTAL:	[483.44]
<u>October 2014</u>	
10/31/2014 Lexis charges for October 2014.	361.21
SUBTOTAL:	[361.21]
<u>January 2015</u>	
1/27/2015 Postage for January 2015.	3.85
SUBTOTAL:	[3.85]
	<u>\$5,456.26</u>

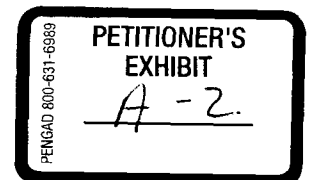
Law Office of Patrick D. Shaw
 80 Bellerive Road
 Springfield, IL 62704

Invoice submitted to:
 CSD Environmental Services
 2220 Yale Blvd.
 Springfield IL 62703

September 25, 2015

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
3/4/2015 Receive & review Notice of Oral Argument; file acknowledgement; e-mail client re same	0.20 200.00/hr	40.00
4/28/2015 Review file and draft notes for oral argument	3.60 200.00/hr	720.00
4/29/2015 Preparation and oral argument	1.50 200.00/hr	300.00
7/7/2015 Tel App. Court clerk's office	0.10 200.00/hr	20.00
7/8/2015 Receive & review App. Ct. Opinion; e-mail to client; receive query about attorney fees; e-mail response	1.20 200.00/hr	240.00
7/9/2015 Receive & review question about decision from client; e-mail reply	0.30 200.00/hr	60.00
7/27/2015 Research attorney fee reimbursement issue; e-mail opinion to client	2.80 200.00/hr	560.00
8/14/2015 Receive & review mandate	0.10 200.00/hr	20.00
8/17/2015 E-mail to client re issuance of mandate and strategy going forward; receive response	0.30 200.00/hr	60.00
8/31/2015 Prepare affidavit in support of motion for attorney's fees	5.30 200.00/hr	1,060.00



CSD Environmental Services

Page 2

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	15.40	\$3,080.00