

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>TIMBER CREEK HOMES, INC.,</b>	)	
	)	
<b>Petitioner</b>	)	
	)	
<b>v.</b>	)	<b>No. PCB 2014-099</b>
	)	<b>(Pollution Control Facility Siting Appeal)</b>
	)	
<b>VILLAGE OF ROUND LAKE PARK,</b>	)	
<b>ROUND LAKE PARK VILLAGE BOARD)</b>	)	
<b>and GROOT INDUSTRIES, INC.,</b>	)	
	)	
<b>Respondents</b>	)	

**VILLAGE OF ROUND LAKE PARK'S RESPONSE TO TIMBER CREEK HOMES' APPEAL OF THE HEARING OFFICER'S ORDER QUASHING THE DEPOSITION SUBPOENA OF DERKE PRICE**

NOW COMES the Village of Round Lake Park (sometimes referred to as Village Staff, RLP or VRLP) and in support of the Hearing Officer's order quashing the deposition subpoena of Derke Price states as follows:

1. In response to the Village Board's Motion to Quash Subpoena for Deposition and a similar motion by Respondent, Groot Industries, the Hearing Officer entered an order quashing the deposition subpoena of Derke Price on or about April 17 2014.
2. Thereafter, Timber Creek Homes ("TCH") appealed the Hearing Officer's order quashing the instant subpoena.
3. The Village of Round Lake Park agrees with the other respondents that the TCH subpoena relates to creative theories which are replete with conjecture and speculation and further that the subpoena in question stands in violation of the Hearing Officer's order on discovery.

4. The Village of Round Lake Park further believes TCH's allegation that it "...is clear that Karlovics, as attorney for the Village Board, conveyed confidential information to Price – information so sensitive and of such a nature, that Price not only had to withdraw from consideration as the hearing officer, but had to insulate himself from any contact with attorneys representing an opponent to the proposed transfer station...." is an example of the worst kind of speculation, that void of ANY factual underpinning.

5. Accordingly, the Village of Round Lake Park adopts the Village Board's response to the TCH appeal of the Hearing Officer's order quashing the deposition subpoena of Derke Price.

**WHEREFORE**, Respondent, the Village of Round Lake Park, respectfully requests that the order of the Hearing Officer's order quashing the deposition subpoena Derke Price be upheld by the Board.

Respectfully submitted,  
Village of Round Lake Park

By *Glenn C. Sechen*

One of Its Attorneys

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