

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Paul Christian Pratapas)	
)	PCB No. 2023-014
Complainant,)	(Enforcement)
)	
v.)	
)	
Horizon Construction Group, Inc.)	
)	
Respondent.)	
)	
)	

PROPOSED SCHEDULING AND DISCOVERY ORDER

Pursuant to 35 Ill Adm. Code Part 101.600, status conferences of the parties were held on November 10, 2022, and January 5, 2023, with the Complainant and attorneys for the Respondent, Jon Micah Goeller and Richard J. Lewandowski of Husch Blackwell, LLP participating. Based on the 35 Ill. Adm. Code Part 101.610 and the direction provided by the Hearing Officer in the January 5, 2023, status conference, the Respondent provides the following proposed Discovery Schedule:

I. Proposed Discovery Schedule

Event	Deadline
Beginning of Fact Discovery	<i>[Upon Approval of the Scheduling Order]</i>
Disclosure of Complainant’s Expert(s)	<i>[30 days after the beginning of fact discovery]</i>
Complainant Discloses Fact Witnesses	<i>[30 days after the beginning of fact discovery]</i>
Complainant Provides Expert Report to Respondent	<i>[30 days after the disclosure of Complainant’s experts]</i>
Parties serve Requests for Production of Documents	<i>[60 days after the beginning of Fact Discovery]</i>
Parties serve Request for Admissions and Written Interrogatories	<i>[60 days after receipt of responses to document requests]</i>
Complete Depositions of Fact Witness	<i>[90 days after disclosure of Fact Witnesses]</i>

Deposition of Complainant’s Experts	<i>[90 days after receipt of Complainant’s Expert reports]</i>
Disclosure of Respondent’s Expert(s)	<i>[45 days after Deposition of Complainant’s Experts]</i>
Respondent Provides Expert Report(s) to Complainant	<i>[30 days after Disclosure of Respondent’s Experts]</i>
Deadline to file Dispositive Motions and Supporting Papers	<i>[One month after the close of Discovery]</i>
Dispositive Motions	<i>[60 days after the close of Discovery]</i>

II. The pleadings were amended and final as of the Complainant’s Amended Complaint, as Approved by the Board’s Order on October 20, 2022, and Respondent proposes that no further amendment of pleadings be allowed by either party.

III. Electronically Stored Information (ESI). The Respondent proposes the following ESI discovery parameters:

- i. “Electronic files” means email, photos, email attachments, and electronic documents stored or accessible on a computer or server, a shared drive, or a portable device. “Electronic files” does not include electronic information stored in backup systems or on backup tapes.
- ii. The parties shall generally produce documents in searchable electronic format and on electronic storage media via a secure File Transfer Protocol (“FTP”) service.
- iii. The parties shall provide scanned PDF images of the responsive, non-privileged, and non-cumulative hard-copy documents and printed-out electronic documents (i.e., without metadata, if any) identified as a result of the reasonable search conducted. To the extent that electronic documents do not print easily (e.g., spreadsheets, video, or audio files), the parties will produce such files in native format.
- iv. In the event that producing documents in response to a particular request creates unforeseen or unreasonable burden, the party experiencing the burden will notify the other party, and the parties will attempt to cooperate to minimize the burden before seeking relief from the Board. Any party shall have the right to request a meet-and-confer conference with any other party to discuss and identify appropriate technical resources and production options for responsive documents, or to discuss other issues involving the discovery process.

- IV. Phased Discovery.** The Respondent proposes that discovery should **not** be conducted in phases.
- V. The parties shall comply with limits on** interrogatories and the duration of discovery depositions utilized in state court actions.
- VI. Dispositive Motions.** Dispositive motions shall be filed 45 days after the close of discovery.
- VII. Earliest Date By Which This Case Should Reasonably Be Expected to be Ready for Trial.** The Respondent proposes that the case reasonably be expected to be ready for Administrative Hearing by thirty (30) days after the dispositive of any dispositive motions.

WHEREFORE, the Respondent respectfully submits this proposed Discovery Schedule.

Respectfully submitted January 27, 2023.

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