

**RECEIVED**  
CLERK'S OFFICE

**MAY 16 2005**

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MORTON F. DOROTHY,

Complainant,

v.

FLEX-N-GATE CORPORATION,  
an Illinois corporation,

Respondent.

PCB No. 05-49

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
**(VIA FIRST CLASS MAIL)**

Carol Webb, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274  
**(VIA FIRST CLASS MAIL)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **SUBSTITUTION OF AFFIDAVITS**, a copy of which is herewith served upon you.

Respectfully submitted,

FLEX-N-GATE CORPORATION,  
Respondent,

Dated: May 12, 2005

By: 

One of Its Attorneys

Thomas G. Safley  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

**CERTIFICATE OF SERVICE**

I, Thomas G. Safley, the undersigned, certify that I have served the attached

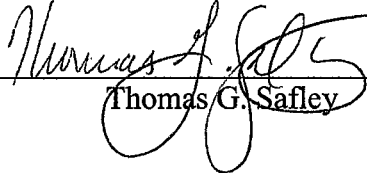
SUBSTITUTION OF AFFIDAVITS upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Carol Webb, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

Mr. Morton F. Dorothy  
804 East Main  
Urbana, Illinois 61802

by depositing said documents in the United States Mail in Springfield, Illinois, postage prepaid, on May 12, 2005.

  
Thomas G. Safley

GWST:003/Fil/NOF and COS – Substitution2

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

MORTON F. DOROTHY,

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PCB 05-49

FLEX-N-GATE CORPORATION,  
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Respondent.

**SUBSTITUTION OF AFFIDAVITS**

NOW COMES Respondent, FLEX-N-GATE CORPORATION ("Flex-N-Gate"),  
by and through its attorneys, HODGE DWYER ZEMAN, and files the attached original  
Affidavit of Jackie Christensen, original Affidavit of Anthony Rice, and original  
Affidavits of Gary Hinton to replace the facsimile copies of said Affidavits that were  
attached as Exhibits to Flex-N-Gate's Responses to Complainant's Motion to Compel  
Response to Interrogatories and Motion to Compel Production of Documents.

Respectfully submitted,

FLEX-N-GATE CORPORATION  
Respondent,

Dated: May 12, 2005

By: 

One of Its Attorneys

Thomas G. Safley  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
CHAMPAIGN COUNTY, ILLINOIS

MORTON F. DOROTHY,

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FLEX-N-GATE CORPORATION,  
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STATE OF ILLINOIS  
PCB 05-4 Pollution Control Board

**AFFIDAVIT OF JACKIE CHRISTENSEN**

Jackie Christensen, being first duly sworn, deposes and states under oath, and if sworn as a witness, would testify, as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. I am employed by Flex-N-Gate Corporation ("Flex-N-Gate") as Environmental Manager at the facility at issue in the above-captioned matter.
3. In light of Complainant's Motion to Compel Production of Documents, I have searched Flex-N-Gate's records again and have been unable to locate any work order initiated by Afiba Martin for the plating line between August 5 and 8, 2004, or any other work orders "for the third shift of August 4-5, 2004" other than the work order previously produced to Complainant.

4. Flex-N-Gate has produced to Complainant all "maintenance work orders for the plating line for August 5 through August 8, 2004."

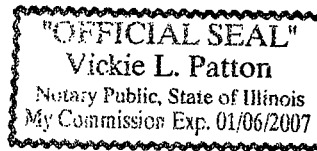
*Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies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

FURTHER AFFIANT SAYETH NOT.

Jackie Christensen  
Jackie Christensen

Subscribed and sworn to before  
me this 10 day of May, 2005.

Vickie L. Patton  
Notary Public



GWST:003/Fil/Affidavit of Jackie Christensen - Response to MTC - RFPs

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
CHAMPAIGN COUNTY, ILLINOIS

MORTON F. DOROTHY,

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Respondent.

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STATE OF ILLINOIS  
Pollution Control Board

**AFFIDAVIT OF ANTHONY RICE**

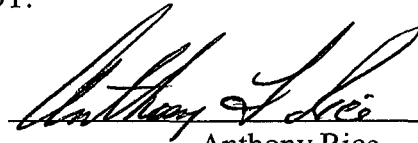
Anthony Rice, being first duly sworn, deposes and states under oath, and if sworn as a witness, would testify, as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. I am employed by Flex-N-Gate Corporation ("Flex-N-Gate") as Plating Manager at the facility at issue in the above-captioned matter.
3. In light of Complainant's Motion to Compel Production of Documents, I have reviewed my files, and I was unable to locate any document hand-delivered by Complainant to me on August 9, 2004, or on any other date, regarding "the incident" at issue in the above-captioned matter.
4. Further, I have no recollection of Complainant hand-delivering to me, on August 9, 2004, or on any other date, any document regarding "the incident."

5. I do have a document which Complainant delivered to me on or about August 9, 2004, but this document relates to the Tank 17 CS pump, not to "the incident."

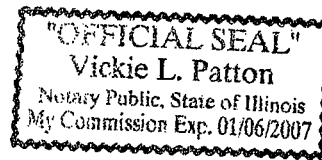
*Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies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

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Anthony Rice

Subscribed and sworn to before  
me this 10 day of May, 2005.

  
\_\_\_\_\_  
Notary Public



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CHAMPAIGN COUNTY, ILLINOIS

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Complainant,

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PCB 05-49

FLEX-N-GATE CORPORATION,  
an Illinois corporation,

Respondent.

**AFFIDAVIT OF GARY HINTON**

Gary Hinton, being first duly sworn, deposes and states under oath, and if sworn as a witness, would testify, as follows:

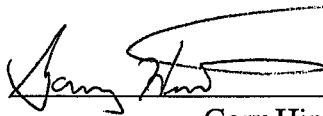
1. I have personal knowledge of the matters set forth in this affidavit.
2. I am employed by Flex-N-Gate Corporation ("Flex-N-Gate") as Human Resources Manager at the facility at issue in the above-captioned matter.
3. The seven persons whom Flex-N-Gate identified in response to Complainant's Interrogatory No. 9 without providing home addresses and telephone numbers are currently employed by Guardian West as "Team Leaders" or "Group Leaders".
4. As "Team Leaders" or "Group Leaders", these persons are supervisors at the facility at issue in the above-captioned matter. Their job duties include, but are not limited to, directing employees they supervise in their job duties, assessing those employees' job performance, completing performance appraisals of those employees, participating in administering the facility's discipline policy with regard to facility employees, communicating with top management at the facility regarding issues



associated with the specific departments under their supervision and with individual facility employees, and helping to develop and implement departmental and individual employee goals. They advise top management at Guardian West regarding decisions affecting their areas of responsibility at the facility at issue and give opinions that form the basis of such decisions. And, such decisions would not normally be made without those persons' advice or opinion.

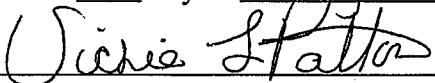
*Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies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

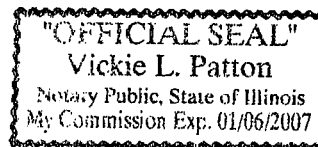
FURTHER AFFIANT SAYETH NOT.



Gary Hinton

Subscribed and sworn to before  
me this 10 day of May, 2005.

  
Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
CHAMPAIGN COUNTY, ILLINOIS

MORTON F. DOROTHY,

Complainant,

v.

FLEX-N-GATE CORPORATION,  
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PCB 05-49

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**AFFIDAVIT OF GARY HINTON**

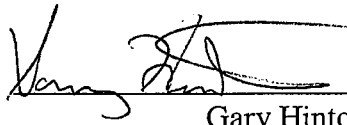
Gary Hinton, being first duly sworn, deposes and states under oath, and if sworn as a witness, would testify, as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. I am employed by Flex-N-Gate Corporation ("Flex-N-Gate") as Human Resources Manager at the facility at issue in the above-captioned matter.
3. In light of Complainant's Motion to Compel Production of Documents, I have reviewed Flex-N-Gate's personnel files relating to Complainant, and I was unable to locate any document hand-delivered by Complainant to Mr. Tony Rice of Flex-N-Gate

on August 9, 2004, or on any other date, regarding "the incident" at issue in the above-captioned matter.

*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.*

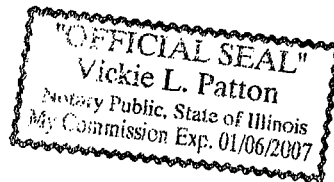
FURTHER AFFIANT SAYETH NOT.



Gary Hinton

Subscribed and sworn to before  
me this 10 day of May, 2005.

  
Notary Public



GWST:003/Fil/Affidavit of Gary Hinton - Response to MTC - RFPs

MAY 16 2005

### ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

**Complainant,**

5.

**Patrick O'Keef,**

**Respondent.**

AC 05-51

**SCDPH 05-AC-1**

### ADMINISTRATIVE CITATION

The undersigned certifies that an original and the foregoing Motion for Voluntary Dismissal of the Administration Citation was served upon the Clerk of the Illinois Pollution Control Board, and one copy was served upon the following party of record by enclosing same in envelopes addressed to, and by delivering as specified below:

Dorothy Gunn, Clerk – U.S. Mail  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Stephen F. Hedinger  
Attorney for Respondent, Patrick O'Keefe  
2601 South Fifth Street  
Springfield, Illinois 62703

With postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on May 13, 2005

Sheri L. Carey  
Assistant State's Attorney  
Sangamon County State's Attorney  
200 S. 9<sup>th</sup> Street, Room 402  
Springfield, Illinois 62701  
(217) 535-3100

Sheri L. Carey

THIS FILING IS SUBMITTED ON RECYCLED PAPER

MAY 16 2005

STATE OF ILLINOIS  
Pollution Control Board

Sheri L. Carey  
Assistant State's Attorney  
Sangamon County State's Attorney  
200 S. 9<sup>th</sup> Street, Room 402  
Springfield, Illinois 62701  
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