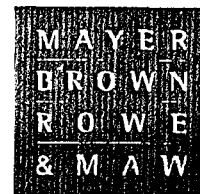


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JAN 24 2005

STATE OF ILLINOIS
Pollution Control Board

January 21, 2005

VIA EMAIL AND FIRST CLASS U.S. MAIL

Michael Blazer
THE JEFF DIVER GROUP, L.L.C.
1749 South Naperville Road
Suite 102
Wheaton, Illinois 60187

Mayer, Brown, Rowe & Maw LLP
190 South La Salle Street
Chicago, Illinois 60603-3441

Main Tel (312) 782-0600
Main Fax (312) 701-7711
www.mayerbrownrowe.com

Patricia F. Sharkey
Direct Tel (312) 701-7952
Direct Fax (312) 706-9113
psharkey@mayerbrownrowe.com

Re: Pattermann v. Boughton, PCB 99-187;
Respondent's Costs Within the Meaning of
Illinois Code of Civil Procedure Section 5/2-1009

Dear Mr. Blazer:

We received Complainant's Motion for Voluntary Dismissal by facsimile yesterday, January 20, 2005. We are preparing a response to that motion which we will email to you and file with Mr. Halloran and the Board on Monday in advance of our scheduled Status Conference with Mr. Halloran.

In response to Paragraph 3 of Complainant's Motion, we are hereby tendering a preliminary statement of Respondent's costs, within the meaning of Section 2 -1009, as we have been able to gather in this short time interval.

RESPONDENT'S COSTS

Expert witnesses	
Michael S. McCann, William A Mcann & Associates, Inc.	\$23,293.35
Kip Smith, MacTec, Inc. (previously Harding-Lawson)	\$ 3,423.49
Court Reporter and Transcripts	
George E. Rydman & Assoc., Ltd.	\$ 1,361.40
Trial Exhibits	
Document Technologies, inc.	\$ 591.63
Reproduction Costs	\$ 3,714.15
Travel Expenses	\$ 142.07
Postage (incl. mail, document delivery, preparation and fax)	\$ 1,242.17
Phone (Long Distance)	\$ 8.69

Total \$ 33,776.95

Brussels Charlotte Chicago Cologne Frankfurt Houston London Los Angeles Manchester New York Palo Alto Paris Washington, D.C.
Independent Mexico City Correspondent: Jauregui, Navarrete, Nader y Rojas, S.C.

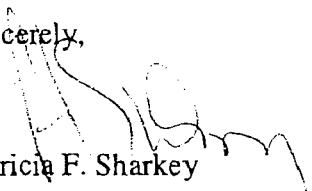
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Mayer, Brown, Rowe & Maw LLP

Michael Blazer
January 21, 2005
Page 2

Notwithstanding our tender of this information, we reserve our objections to the Motion and we will be prepared to discuss those objections in our conference on Monday.

Sincerely,

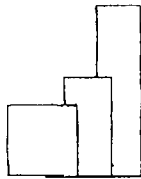


Patricia F. Sharkey

Enclosures

cc (w/enc): Bradley Halloran

Jan. 21. 2005 3:18PM



William A.
McCann &
Associates, Inc.
Since 1962

No. 1708 P. 2

Real Estate Appraisers & Consultants

Michael S. McCann
Brian P. McCann
Kevin A. Byrnes
Michael F. Walsh

FILE COPY

James P. Foley III
Laura M. Foran
Martin L. Houlihan
William A. McCann III
John T. Setina III

Boughton Trucking & Materials, Inc.
c/o Frank Maly
Secretary
11746 S. naperville-Plainfield Road
Plainfield IL 60544

April 07, 2003

Invoice No. 13794

William A. McCann, MAI
Litigation Consultant

PLEASE RETURN ONE COPY WITH PAYMENT

RE: 111th Street - Boughton Quarry
Naperville, IL.
McCann File No. 030304

For services rendered to assist client in preparing defense for PCB hearing,
including exhibits, all supporting data and basis for opinions, time detailed as
follows:

	HOURS	AMOUNT
<u>Michael S. McCann</u>		
04/04/2003 Telephone conference with Pat Sharky re: relocation cost issues, etc.	0.45	
04/03/2003 Executive summary - writing; refinement of analysis and conclusions; supervise production; edit tables, etc.	7.50	
04/02/2003 Analysis of resale data, Naperville trends/ River Run/ White Eagle data overall, specific near-far data; scope with John T. Setina, III and Laura Foran re: exhibits, maps, aerials; report writing re: findings, conclusions, support for opinions; lunch meeting with John T. Setina, III refine analysis, table and exhibit requirements; aerial presentation scope with Melissa M.; etc.	7.75	
Executive summary - writing; refinement of analysis and conclusions; supervise production	1.50	
03/31/2003 Meeting/ analysis with John T. Setina, III; review selections for data analysis	2.50	
Teleconference with Pat Sharkey, Esq. re: photos, preliminary data results, berm photo	0.25	
03/28/2003 Analysis with John T. Setina, III re: target and control areas, compare average prices and sf of house, marketing times, type of doc, locations of house, scope of exhibits	3.75	
03/26/2003 Conference with John T. Setina, III re: job and research	0.20	
03/24/2003 Review NIPC photos with John T. Setina, III and report exhibits	0.90	
03/21/2003 Review sequenced aerials with John T. Setina, III re: history of development trends; possible exhibits	0.50	
03/20/2003 Field inspect subject with John T. Setina, III, Frank M. at quarry; tour site, River Run subdivision, subdivision to north, White Eagle at west Rte. 59 to select control area; review MLS preliminary data; to/from Naperville	7.00	

414 North Orleans Street, Suite 601 Chicago, Illinois 60610

PHONE: (312) 644-0621 FAX: (312) 644-9244

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Jan. 21. 2005 3:19PM

No. 1708 P. 3

Boughton Trucking & Materials, Inc.

Page 2

Invoice No. 13794

		<u>HOURS</u>	<u>AMOUNT</u>
03/19/2003	Conference with John T. Setina, III re: job and research status	0.25	
03/18/2003	Analysis of location, info available with John T. Setina, III ; review subdivision histories & Naperville plan districts; teleconf w/ Frank M. re: general volume histories at subject and other area quarries; refine scope of target/control research; etc. Follow up review- township assessors lists, excel analysis, etc.	1.25	
03/17/2003	Conference with John T. Setina, III re: job and research parameters	0.35	
03/13/2003	Meeting with John T. Setina, III re: aerials needed, target area sale data, control parameters, etc.	0.75	
03/11/2003	Teleconference with Pat Sharky at Mayer Brown Review scope of research for property value impact study with John T. Setina, III	0.35 1.00	
03/10/2003	Teleconference with Pat Sharky and Kevin Desharnais	0.25	
	SUBTOTAL:	[36.85	6,817.25]
	<u>Laura Foran</u>		
04/02/2003	Analysis and research - map out subdivision re-sales for each lot in River Run and White Eagle subdivisions	2.25	
	SUBTOTAL:	[2.25	225.00]
	<u>John T. Setina, III</u>		
04/04/2003	Process balance of reports and messenger to clients office	0.75	
04/03/2003	Edit tables chart for report; process reports; messenger (1) copy to clients office; conference with Michael S. McCann re: data tables, exhibits and report writing; print out photos to label for report exhibits	8.30	
04/02/2003	Conference with Michael S. McCann re: data tables, exhibits and report writing; Make River Run and White Eagle report exhibits of subdivision plat map with sales/ resales mapped out; Review River Run and White Eagle sales and resales data; NIPC photo to be copied; data tables for residential subdivisions, exhibits for reports and photos; report writing.	10.25	
04/01/2003	CMA for Clow Creek farm, Whispering Lakes, Saddle Creek, High Meadows, Crestview Knolls, Wheatland South, Breckenridge Estates residential; Research Naperville det-sfr sales 2001, 2002, 2003, Naperville overall and Naperville Will County only; MLS research CMA on subdivisions: Ashbury, Rosehill, Brook Crossing Estates, and Knoch Knolls	7.85	
03/31/2003	Make map exhibits for report re: River Run and White Eagle residential subdivision; MLS research CMA on subdivisions: Ashbury, Rosehill, Brook Crossing Estates, and Knoch Knolls; Field inspection photo - email to Pat Sharkey for review; 360 day comparative market analysis of River Run and White Eagle residential subdivision for active, expired, cancelled	7.55	

Jan. 21. 2005 3:19PM

No. 1703 P. 4

Boughton Trucking & Materials, Inc.

Page 3

Invoice No. 13794

HOURS AMOUNT

listings; Conference call with Michael S. McCann and Pat Sharkey, Esq. re: job status and preliminary data results; Analysis with Michael S. McCann re: preliminary research data results, exhibits, new research and data array and prepared in tables

03/31/2003	Report writing	0.50
03/30/2003	Review and analyze White Eagle residential sale data, put in excel spread sheet form	2.00
03/29/2003	Research all sales in the Shite Eagle residential subdivision for sale and resale - 430 properties; River run and White eagle residential subdivision sales spread sheet, input data, sort data tables and calculate averages, input in spreadsheet form;	10.60
03/28/2003	Analysis with Michael S. McCann re: target and control areas, compare average prices and sf of house, marketing times, type of doc, locations of house, scope of exhibits	3.75
	Review and analyze White Eagle residential sale data, input excel	4.25
03/27/2003	Sidwell maps of entire White Eagle residential subdivision for research; review and analyze White Eagle residential sala data, excel input; conference with Michael S. McCann re: job and research	7.95
03/26/2003	Calculate marketing times for all sales each year 2003-01 for River Run and White Eagle; River Run and White Eagle residential sale data input	7.70
03/25/2003	Review NIPC photos with Michael S. McCann and discuss exhibits	0.30
03/24/2003	River Run and White Eagle residential sale data input; research White Eagle residential subdivision; review NIPC photos with Michael S. McCann and report exhibits; review and organize field inspection note and file; rview and organize (download) digital photos from field inspection	8.15
03/21/2003	Review and analyze River Run residential data, input excel spread sheet form, all properties (430) in subdivision; research maps for control area for sales study research, area maps, sidwell maps; aerals with Michael S. McCann; review and compare all sales in the River Run residential subdivision for sale and resale extraction	7.15
03/20/2003	Field inspection with Michael S. McCann, Frank M. at quarry; tour site, River Run subdivision	7.00
03/19/2003	Research all sale in the River Run residential subdivision for sale and resale analysis; conference with Michael S. McCann re: job and research status; research River Run residential subdivision, MLS 2003, 2002, 2001 sales in each year for average sale price and marketing times	7.20
03/18/2003	MLS - property report research sale and resale data in the River Run subdivision; review single family developments; conference with Michael S. McCann re: field inspection, research, target and control area	6.80

Jan. 21. 2005 3:20PM

No. 1708 P. 5

Boughton Trucking & Materials, Inc.

Page 4

Invoice No. 13794

	<u>HOURS</u>	<u>AMOUNT</u>
03/17/2003 Conference with Michael S. McCann re: job and research parameters; maps of subject site and area to be researched; research all sales in the River Run residential subdivision for sale and resale; order NIPC arials and airpix photos; research aerial photos for subject area, research (map quest) and sidwell maps	6.25	
03/14/2003 Research River Run PIN number and sales data on township web site; maps of the subject site and subject area to be researched	3.00	
03/13/2003 Conference with Michael S. McCann re: subject location and research of SFR in the area and research of target and control area; NIPC and airpix photos to order	0.75	
Call Kevin Desharnais re: any data relating to the subject property - not in office - left a voice mail message 3:14pm	0.05	
03/11/2003 Conference with Michael S. McCann re: job and research	1.00	
SUBTOTAL:	[119.10	14,887.50]
<u>Bill McCann, III</u>		
04/03/2003 Prepare photo exhibit (Figure #5)	1.25	
SUBTOTAL:	[1.25	156.25]
FEE AMOUNT:	159.45	\$22,086.00
ADDITIONAL CHARGES:		
<u>Expenses</u>		
04/03/2003 Mossner Company - exhibit and map charges		58.65
04/01/2003 Mossner Company - exhibit and map charges		30.90
03/20/2003 Aerial photographs		108.50
SUBTOTAL:	[198.05]	
TOTAL COSTS		\$198.05
TOTAL AMOUNT OF THIS BILL		\$22,284.05
03/14/2003 Retainer Payment - thank you Check No. 50475		(\$5,000.00)
Total payments and adjustments		(\$5,000.00)
BALANCE DUE:		\$17,284.05

Jan. 21. 2005 3:20PM

No. 1708 P. 6

Boughton Trucking & Materials, Inc.

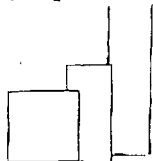
Page 5

Invoice No. 13794

This invoice is for services rendered for the dates listed above and is due and payable within 20 days. If you have any questions, please call our accounting department and you will be assisted in processing this invoice for a timely payment. Amounts unpaid after 30 DAYS are subject to a charge of 1.50% per month on the unpaid balance.

We appreciate the opportunity to be of service to you in this assignment.

Jan. 21. 2005 3:20PM



William A.
McCann &
Associates, Inc.
Since 1962

No. 1708 P. 7
Real Estate Appraisers & Consultants

Michael S. McCann
Brian P. McCann
Kevin A. Byrnes
Michael F. Walsh

James P. Foley III
Martin L. Houlihan
William A. McCann III
John T. Selina III

William A. McCann, MAJ
Litigation Consultant

FILE COPY

November 6, 2003

Boughton Trucking & Materials, Inc.
C/o Frank Maly, Secretary
11746 S. Naperville-Plainfield Road
Plainfield, Illinois 60544

RE: 111th Street - Boughton Quarry
Naperville, Illinois
McCann File No. 030304

Dear Frank:

Our current invoice includes exhibit charges that were not included in prior invoices.
Please call if you have any questions.

Respectfully,

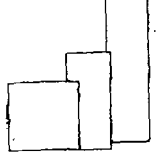
WILLIAM A. MCCANN & ASSOCIATES, INC.

Michael S. McCann
President

Encl.

414 North Orleans Street, Suite 601 Chicago, Illinois 60610
PHONE: (312) 644-0621 FAX: (312) 644-9244
www.mccannappraisal.com

Jan. 21. 2005 3:21PM



William A.
McCann &
Associates, Inc.
Since 1962

No. 1708 P. 8
Real Estate Appraisers & Consultants

Michael S. McCann
Brian P. McCann
Kevin A. Bymes
Michael F. Walsh

James P. Foley III
Martin L. Houlihan
William A. McCann III
John T. Setina III

FILE COPY

Boughton Trucking & Materials, Inc.
c/o Frank Maly
Secretary
11746 S. Naperville-Plainfield Road
Plainfield IL 60544

November 06, 2003

Invoice No. 13957

William A. McCann, MAI
Litigation Consultant

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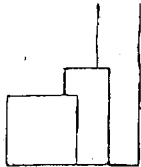
RE: 111th Street - Boughton Quarry
Naperville, IL
McCann File No. 030304

FOR PROFESSIONAL SERVICES RENDERED:

	<u>HOURS</u>	<u>AMOUNT</u>
<u>Michael S. McCann</u>		
11/6/2003 Final review of affidavit; forward to attorney Matt S.	0.25	
11/2/2003 Review and edit draft affidavit prepared by client's attorney re: summary of McCann property value study; forward to attorney (email)	2.00	
10/28/2003 Teleconference w/Pat Sharkey re: motion, affidavit to be prepared	0.25	
SUBTOTAL:	[2.50	462.50]
FEE AMOUNT:	2.50	\$462.50
ADDITIONAL CHARGES:		
<u>Expenses</u>		
4/3/2003 Mossner Company - exhibit and map charges		515.90
4/2/2003 Mossner Company - exhibit and map charges		30.90
SUBTOTAL:		[546.80]
TOTAL COSTS		\$546.80
TOTAL AMOUNT OF THIS BILL		\$1,009.30

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Jan. 21, 2005 3:21PM



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Real Estate Appraisers & Consultants

Boughton Trucking & Materials, Inc.
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Secretary
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Plainfield IL 60544

January 21, 2005

Invoice No. 14198

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RE: 111th Street - Boughton Quarry
Naperville, IL.
McCann File No. 030304

For Professional Services Rendered:

	<u>Hours</u>	<u>Amount</u>
<u>Michael S. McCann</u>		
1/11/2005 Review of Boughton files for meeting with Kevin Desharnais	1.00	200.00
1/12/2005 Hearing prep with Kevin Desharnais.	3.75	750.00
Subtotal:	[4.75	950.00]
Total Appraiser Fees:	4.75	\$950.00

Appraiser Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Michael S. McCann	4.75	200.00	\$950.00

This invoice is for services rendered for the dates listed above and is due and payable within 20 days. If you have any questions, please call our accounting department and you will be assisted in processing this invoice for a timely payment. Amounts unpaid after 30 DAYS are subject to a charge of 1.5% per month on the unpaid balance.

We appreciate the opportunity to be of service to you in this assignment.

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PHONE: (312) 644-0621 FAX: (312) 644-9244

George E. Rydman & Assoc. Ltd.

Court Reporters and Video
15 W. Jefferson St.
Joliet, Illinois 60432

815-727-4363

800-608-5523

Fax 815-727-7186

Fed ID. 36-3303806

PATRICIA F. SHARKEY
MAYER, BROWN, ROWE & MAW
190 SOUTH LASALLE STREET
CHICAGO, IL 60603

Invoice Date

4/18/2003

4/18/2003

Invoice Number

15891

Page
1 of 1

Please reference this number
when remitting

Date Taken	Reference	Charges
	RE: GINA PATTERMANN VS. BOUGHTON TRUCKING AND MATERIAL, INC. PCB 99-187 / BEE / 10518	
	DEPOSITION OF GINA PATTERMANN 115 pages	
4/8/2003	ORIGINAL TRANSCRIPT	\$362.25
	REPORTER ATTENDANCE FEE	\$87.00
	DEPOSITION OF WILLIAM B. JENE, JR. AND CARLENE C. JENKINS 87 pages	
4/10/2003	ORIGINAL TRANSCRIPT	\$274.05
	REPORTER ATTENDANCE FEE	\$87.00
4/10/2003	OVERNITE DELIVERY	\$18.00

Total Balance Due

\$828.30

George E. Rydman & Assoc. Ltd.

Court Reporters and Video
15 W. Jefferson St.
Joliet, Illinois 60432

815-727-4363

800-608-5523

Fax 815-727-7186

Fed ID. 36-3303806

PATRICIA F. SHARKEY
MAYER, BROWN, ROWE & MAW
190 SOUTH LASALLE STREET
CHICAGO, IL 60603

Invoice Date

5/8/2003

10/2/2003

Invoice Number

16102

Page
1 of 1

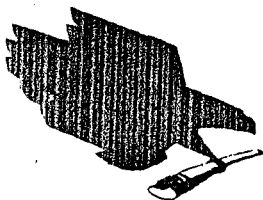
Please reference this number
when remitting

Date Taken	Reference	Charges
	<p>RE: GINA PATTERMANN VS. BOUGHTON TRUCKING AND MATERIAL, INC. PCB 99-187 / KRN / 10632</p> <p>*** 120 days past due ***</p> <p>DISCOVERY DEPOSITION OF GREG ZAK (Did not appear) LISA COLLINS, 46 Pgs. DONALD A. BOUDREAU, 65 Pgs.</p>	
4/23/2003	<p>REPORTER ATTENDANCE FEE</p> <p>ORIGINAL TRANSCRIPT</p> <p>ASCII DISKETTE(S)</p>	<p>\$174.00</p> <p>\$344.10</p> <p>\$15.00</p>

10/9/03
Per Vernele -
check sent out
yesterday

Total Balance Due

\$533.10

**Document Technologies, Inc.**

105 W. Adams St., Ste. 1100
Chicago, IL 60603
Phone : 312-739-9999
Fax : 312-739-0899
Fed. ID No. : 58-2413793

INVOICE

Invoice Number: 164310

Invoice Date: 01/20/05

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Bill To:

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190 S. LaSalle Street
Suite 1900
Chicago, IL 60603-3441
Tom Kuslik

Ship To:

Mayer, Brown, Rowe & Maw LLP
190 S. LaSalle Street
Suite 1900
Chicago, IL 60603-3441

Customer ID 12861
Terms Net 15 Days
SalesPerson CHI CDA
P.O. Number

Client / Matter No. 99556862
Job No. CB36292
Nat'l Acct Name
Nat'l Acct Ref. No.

Quantity	Description	Unit Price	Total Price
6	35" x 36" B/W Oversize & Mount	65.00	390.00
1	24" x 36" Color Oversize & Mount	84.50	84.50
1	2 Sets - Color Photos & CD's w/Color Photos	117.13	117.13

Thank you for choosing Document Technologies, Inc.

Accepted By: 

Subtotal: 591.63

Total Sales Tax: 0.00

Total: 591.63

Remit To: Document Technologies, Inc.
105 W. Adams St., Ste. 1100
Chicago, IL 60603

DETAIL REPORT BY MATTER

From Date:01 Jan 1999 To Date:21 Jan 2005

Cost Summary

Amount

Cost Desc	Cost Type			
		Base	Tobill	Bill
Document Delivery	94	122.40	122.40	122.40
Document Delivery - Chicago Messenger	60	11.50	11.50	11.50

From Date:01 Jan 1999 To Date:21 Jan 2005

Time WIP Status Included: Billed

Cost WIP Status Included: Billed

Cost Summary		Amount		
Cost Desc	Cost Type	Base	To bill	Bill
Document Delivery - Office	93	346.72	346.72	346.72
Document Preparation	29	727.50	727.50	727.50
Document Reproduction	42	3,364.65	3,354.00	3,352.35
Document Reproduction - Outside	41	361.80	361.80	361.80
Facsimile Transmission - Local	82	378.57	378.57	378.57
Facsimile Transmission - Long Distance	83	264.00	264.00	264.00
Local Transportation	09	142.07	142.07	142.07
Long Distance Telephone	72	8.69	8.69	8.69
Mailing Charges - Office	92	101.58	101.58	101.58
Mailing Charges - Outside	91	18.76	17.40	17.40
Transcripts	06	1,361.40	1,361.40	1,361.40
		\$7,195.98	\$7,195.98	

ORIGINAL
Mayer, Brown, Rowe & Maw LLP
190 South La Salle Street
Chicago, Illinois 60603-3441

Main phone: (312) 782-0600
Main fax: (312) 701-7711

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JAN 24 2005

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&	M	A	W	

STATE OF ILLINOIS
Facsimile Cover Sheet
Pollution Control Board

FROM:	Patricia F. Sharkey	Date/time:	Monday, January 24, 2005 9:18:50 AM
Direct Tel:	(312) 701-7952	Pages:	16
Direct Fax:	(312) 706-9113		ALL PAGES MUST BE NUMBERED

TO THE FOLLOWING:

Name	Company	Fax #	Telephone #
Bradley L. Halloran	IPCB	814-3669	814-8917

MESSAGE:

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS BY MAIL. THANK YOU.

IF YOU HAVE ANY TRANSMISSION DIFFICULTY,
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Brussels Charlotte Chicago Cologne Frankfurt Houston London Los Angeles Manchester New York Palo Alto Paris Washington, D.C.
Independent Mexico City Correspondent: Jauregui, Navarrete, Nader y Rojas, S.C.

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