

RECEIVED

SEP 17 2004

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
SKOKIE VALLEY ASPHALT, CO., INC., )  
EDWIN L. FREDERICK, JR., )  
individually and as owner and )  
President of Skokie Valley Asphalt )  
Co., Inc., and )  
RICHARD J. FREDERICK, )  
individually and as owner and )  
Vice President of )  
Skokie Valley Asphalt Co., Inc., )  
)  
Respondents. )

STATE OF ILLINOIS  
Pollution Control Board  
No. PCB 96-98  
(Enforcement - Water)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on September 17, 2004, we filed with the Illinois Pollution Control Board **The People of the State of Illinois' Attorney Fees and Costs Petition**, a true and correct copy of which is attached and hereby served upon you.

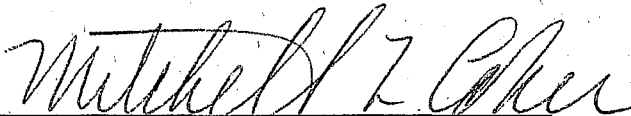
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
Ex rel. LISA MADIGAN, Attorney  
General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

ROSEMARIE CAZEAU, Chief  
Environmental Bureau

BY:

  
MITCHELL L. COHEN  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20th Floor  
Chicago, Illinois 60601  
(312) 814-5282

SERVICE LIST

Mr. David O'Neill  
Mr. Michael B. Jagwiel  
Attorneys at Law  
5487 North Milwaukee  
Chicago, Illinois 60630

Ms. Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, Illinois 62704

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

SEP 17 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

v. )

No. PCB 96-98

SKOKIE VALLEY ASPHALT, CO., INC., )

an Illinois corporation, )

EDWIN L. FREDERICK, JR., )

individually and as owner and )

President of Skokie Valley Asphalt )

Co., Inc., and )

RICHARD J. FREDERICK, )

individually and as owner and )

Vice President of )

Skokie Valley Asphalt Co., Inc., )

Respondents. )

**THE PEOPLE OF THE STATE OF ILLINOIS'  
ATTORNEY FEES AND COSTS PETITION**

On September 2, 2004, after a hearing in this case, the Board found " . . . that Respondents committed willful, knowing, or repeated violations in this case."<sup>1</sup>

"Section 42(f) of the Act . . . authorizes the Board to award attorney fees to the People where a respondent has committed a willful, knowing, or repeated violation of the Act."<sup>2</sup> Section 42(f) of the Act also authorizes the Board to award the costs associated with bringing an environmental enforcement

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<sup>1</sup> People v. Skokie Valley Asphalt, Co., Inc., Edwin L. Frederick, Jr., and Richard J. Frederick: PCB 96 - 98 (September 2, 2004) at 23.

<sup>2</sup> Id.

action.<sup>3</sup> Wherefore, the People of the State of Illinois respectfully request, in accordance with the Opinion and Order of the Board issued September 2, 2004, that the Board award attorney fees in the amount of \$ 134,250.00 and costs in the amount of \$ 3,482.84.<sup>4</sup>

**1. REASONABLE ATTORNEY FEES**

The People are only seeking attorney fees for the time spent and work performed by AAGs Cohen, Sternstein and Murphy.

A conservative estimate of time AAG Cohen spent prosecuting this case against Respondents is 527.00 hours.<sup>5</sup> A conservative estimate of time AAG Sternstein spent prosecuting this case against Respondents is 224.5 hours.<sup>6</sup> A conservative estimate of time AAG Murphy spent prosecuting this case against Respondents is 143.5 hours.<sup>7</sup> Multiplying the number of hours AAGs Cohen, Sternstein, and Murphy spent prosecuting this case, (527.0 + 224.5 + 143.5 = 895) 895, times the reasonable hourly rate of

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<sup>3</sup> 415 ILCS 5/42(f) (2002).

<sup>4</sup> The People adopt the information provided to the Board related to attorney fees and costs in The People of the State of Illinois' Closing Rebuttal Argument and Reply Brief and supplement the same with this Attorney Fees and Costs Petition. Please note an error related to costs (deposition transcripts) was discovered and corrected.

<sup>5</sup> See Exhibit A: affidavit and time sheet.

<sup>6</sup> See Exhibit B: affidavit and time sheet.

<sup>7</sup> See Exhibit C: affidavit and time sheet.

\$150.00 equals \$ 134,250.00.<sup>8</sup>

The People seek a total of \$ 134,250.00 in attorneys' fees to be deposited by Respondents into the "Attorney General's State Projects and Court Ordered Distribution Fund."

**B. REASONABLE COSTS**

The People of the State of Illinois request an award of \$ 3,482.84 for the costs incurred in prosecuting this case against Respondents.<sup>9</sup> The payment for costs from Respondents should also be deposited into the "Attorney General's State Projects and Court Ordered Distribution Fund."

The costs are broken down as follows:

|                               |             |
|-------------------------------|-------------|
| Depositions                   | \$ 1,796.65 |
| Off-site Photocopying         | \$ 1,119.34 |
| AAG Cohen's travel & lodging  | \$ 305.62   |
| AAG Murphy's travel & lodging | \$ 261.23   |

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|                |             |
|----------------|-------------|
| TOTAL EXPENSES | \$ 3,482.84 |
|----------------|-------------|

---

<sup>8</sup>The Board has held that \$150.00 hourly rate for attorney's fees is reasonable. See People v. J & F Hauling Inc., PCB 02-221 (May 1, 2003), citing Panhandle, slip op. at 37 (Nov. 15, 2001).

<sup>9</sup>See Exhibit D: affidavit and list of expenses.

VI. CONCLUSION

WHEREFORE, Complainant, the People of the State of Illinois, respectfully requests that this Board award its attorney fees in the amount of \$ 134,250.00 and costs in the amount of \$ 3,482.84 and order Respondents to deposit that amount into the "Attorney General's State Projects and Court Ordered Distribution Fund."

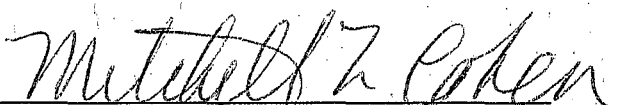
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
Ex rel. LISA MADIGAN, Attorney  
General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

ROSEMARIE CAZEAU, Chief  
Environmental Bureau

BY:



MITCHELL L. COHEN  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph, 20<sup>th</sup> Floor  
Chicago, IL 60601  
(312) 814-5282

State of Illinois )  
                                  ) SS  
County of Lake    )

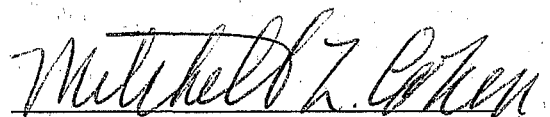
**AFFIDAVIT**

I, Mitchell L. Cohen, upon affirmation, state as follows:

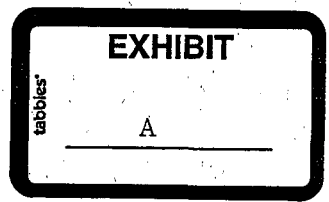
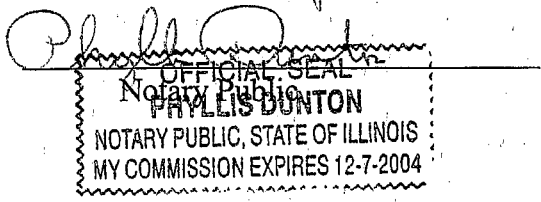
1. I am an Assistant Attorney General in the Environmental Bureau North of the Illinois Attorney General's Office and assigned to assist in the representation of the People of the State of Illinois in the case styled, People v. Skokie Valley Asphalt Co., Inc., et al., PCB No. 96-98, filed before the Illinois Pollution Control Board.

2. I have reviewed the hours I spent prosecuting this case which include compiling the attached time sheets, and having personal and direct knowledge of same, the undersigned certifies that the statements set forth in this affidavit and attachment pertaining to the hours spent prosecuting this case are true and accurate.

Further affiant sayeth not.

  
Mitchell L. Cohen  
Assistant Attorney General  
Environmental Bureau North

Subscribed to and affirmed before me  
this 16th day of September, 2004.



| Date       | Description  | Time |
|------------|--|------|
| 5/29/2002  | Meeting re: file transfer, call to David O'Neill         | 1.00 |
| 6/11/2002  | Subst. of Atty; Agreed Mo. To Cancel & Reschedule        | 4.00 |
| 6/18/2002  | Rev. Mo., Complaint & Case Status Hrg                    | 1.00 |
| 6/19/2002  | File Review  | 8.00 |
| 7/18/2002  | File Review  | 4.00 |
| 7/19/2002  | PCB Status Hrg; Draft Amended Complaint                  | 4.00 |
| 7/26/2002  | Prep Amended Complaint for filing                        | 2.00 |
| 7/29/2002  | Correct Notice of Filing                                 | 1.00 |
| 8/20/2002  | File Review  | 3.00 |
| 9/25/2002  | Rev. Mo. To Strike Complaint                             | 1.00 |
| 10/1/2002  | Resp. to Motion to Strike                                | 2.00 |
| 10/11/2002 | Rev. Resp. Add. Info                                     | 1.00 |
| 10/18/2002 | Rev. Bd. Order; discuss case strategy                    | 2.00 |
| 11/20/2002 | Prep. For & PCB Status Hrg                               | 1.00 |
| 12/18/2002 | Prep. Mo. Deem Facts Admitted/Summ. Judgment             | 4.00 |
| 12/20/2002 | Finalize Mo. & Rev. D's late answer                      | 5.00 |
| 12/23/2002 | Prep. For & PCB Status Hrg                               | 2.00 |
| 1/6/2003   | Rev. & Discuss D's Resp. to Mo. - Summ Judg              | 2.00 |
| 1/10/2003  | Reply to D's Resp. to Motion                             | 2.00 |
| 1/17/2003  | Finalize Reply to D's Response to Motion re: Summ. Judg. | 2.00 |
| 3/31/2003  | Rev. PCB Order & related docs                            | 3.00 |
| 4/16/2003  | Mtg & research re: aff. Defenses                         | 4.00 |
| 4/17/2003  | Mo. To strike aff. Ds                                    | 3.00 |
| 4/18/2003  | Finalize Mo. To Strike Aff. Ds                           | 3.00 |
| 4/25/2003  | Rev. & Research Mo. To Dismiss                           | 3.00 |
| 4/28/2003  | Rev. & Research Mo. To Dismiss                           | 4.00 |
| 4/30/2003  | Rev. Ds Resp to Mo. To Strike Aff. Ds                    | 2.00 |
| 5/2/2003   | work on discovery  | 4.00 |
| 5/5/2003   | work on discovery  | 4.00 |
| 5/6/2003   | Mo to stike Ds Mot to Dismiss                            | 3.00 |
| 5/7/2003   | Finalize Mot to Strike Ds Mo to dismiss for filing       | 3.00 |
| 5/12/2003  | Rev Mot.s & Ds Mo for leave to reply                     | 2.00 |
| 6/9/2003   | Rev PCB Order, related docs, Mo for ext. of time, etc.   | 3.00 |
| 6/13/2003  | D's Mo for ext of time - resp                            | 2.00 |
| 6/16/2003  | Resp to Mo for Ext of time                               | 1.00 |
| 6/27/2003  | Prep. For & hrg, rev. D's Mo for reconsid.               | 3.00 |
| 7/3/2003   | Disc rev, Hrg Off. Order, research Mo for reconsid.      | 4.00 |
| 7/7/2003   | Resp to Mo to Recons, discovery                          | 4.00 |
| 7/8/2003   | Research/drft mo to compel                               | 3.00 |
| 7/9/2003   | drft 1st Mo to compel                                    | 3.00 |
| 7/10/2003  | Rev. case status & hrg                                   | 2.00 |
| 7/16/2003  | rev d's filings & related docs                           | 3.00 |
| 7/25/2003  | disc and rev. bd. Order                                  | 2.00 |
| 7/28/2003  | Mo to compel   | 2.00 |
| 7/29/2003  | Dep. Prep. & status hrg                                  | 4.00 |
| 7/30/2003  | Dep Prep/corp rep  | 4.00 |
| 8/4/2003   | Dep prep Fred. Bros                                      | 3.00 |
| 8/5/2003   | prep & dep of Rich. Fred.                                | 4.00 |
| 8/6/2003   | prep & dep of Ed. Fred.                                  | 4.00 |
| 8/21/2003  | dep prep Huff, rev D's resp to mo to compel              | 6.00 |
| 8/25/2003  | dep prep Huff  | 4.00 |



|            |  |       |
|------------|--|-------|
| 8/28/2003  | dep prep Huff & Kallis   | 5.00  |
| 8/29/2003  | dep prep & deps of Huff & Kallis   | 8.00  |
| 9/5/2003   | prep for hrg, rev bd order, rev rel doc., hrg                                  | 3.00  |
| 9/10/2003  | rev. mo to dismiss, disc (cont. to late oct)                                   | 2.00  |
| 9/11/2003  | resp to D's mo to dismiss  | 3.00  |
| 9/15/2003  | rev. pleadings, disc., pre-trial memo.   | 6.00  |
| 9/18/2003  | pre-trial memo   | 5.00  |
| 9/22/2003  | finalize pre-trial memo, rev. Ds Hrg Brief                                     | 7.00  |
| 9/29/2003  | trial prep including conf. call w/ Gunnarson & Kallis                          | 7.00  |
| 10/2/2003  | trial prep, doc rev, Garretson test.   | 7.00  |
| 10/7/2003  | hrq & trial prep   | 4.00  |
| 10/8/2003  | trial prep & discov. Issues  | 6.00  |
| 10/15/2003 | trial prep, docs, Garretson, Huff test.  | 7.00  |
| 10/16/2003 | trial prep, rev. Bd order, met w/ RMC, Murphy & Sternstein                     | 4.00  |
| 10/17/2003 | complete file rev, hrg, conf. re: issue of continuance                         | 8.00  |
| 10/22/2003 | trial prep   | 6.00  |
| 10/23/2003 | trial prep   | 4.00  |
| 10/24/2003 | trial prep   | 6.00  |
| 10/25/2003 | trial prep, resp. to mo to bar test.   | 9.00  |
| 10/26/2003 | trial prep   | 6.00  |
| 10/27/2003 | trial prep   | 12.00 |
| 10/28/2003 | pre-trial prep, pre-trial, trial prep  | 12.00 |
| 10/29/2003 | trial prep, travel   | 14.00 |
| 10/30/2003 | trial prep, travel, trial  | 13.50 |
| 10/31/2003 | trial prep, trial, travel  | 10.50 |
| 12/13/2003 | rev trial transcript for closing arg   | 3.50  |
| 12/14/2004 | rev trial transcript for closing arg   | 3.50  |
| 12/18/2003 | closing argument   | 7.00  |
| 12/19/2003 | closing argument   | 8.00  |
| 12/20/2003 | closing argument   | 11.00 |
| 12/21/2003 | closing argument   | 7.00  |
| 12/22/2003 | closing argument   | 7.50  |
| 1/11/2004  | closing argument   | 3.00  |
| 1/12/2004  | closing argument   | 6.00  |
| 1/13/2004  | closing argument   | 14.00 |
| 1/14/2004  | closing argument   | 10.00 |
| 1/15/2004  | closing argument, calls re: late filing, mot to file instanter                 | 7.00  |
| 3/29/2004  | read Ds closing arg  | 3.00  |
| 4/5/2004   | closing rebuttal argument  | 8.00  |
| 4/6/2004   | closing rebuttal argument  | 8.00  |
| 4/7/2004   | closing rebuttal argument  | 8.00  |
| 4/8/2004   | closing rebuttal argument  | 8.00  |
| 4/9/2004   | closing rebuttal argument  | 8.00  |
| 4/10/2004  | closing rebuttal argument  | 14.00 |
| 4/11/2004  | closing rebuttal argument  | 12.00 |
| 4/12/2004  | closing rebuttal argument  | 7.00  |
| 4/13/2004  | closing rebuttal argument  | 8.00  |
| 4/14/2004  | closing rebuttal argument  | 8.00  |
| 4/15/2004  | closing rebuttal argument  | 4.00  |
| 5/21/2004  | rev D's mo to strike closing rebuttal, discuss w/ Murphy                       | 2.00  |
| 5/24/2004  | Mo to strike D's mo to strike closing, resp. to mo to strike, related research | 4.00  |
| 9/8/2004   | rev PCB Order, app. Procedure, begin costs/fee petition                        | 5.00  |

9/9/2004 costs/fee petition  
9/15/2004 costs/fee petition

4.00  
2.50

Total Time (through September 15, 2004)

527.00

State of Illinois )  
                          ) SS  
County of Lake    )

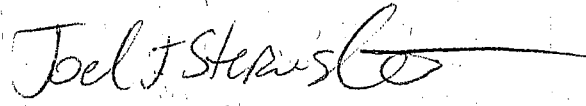
**AFFIDAVIT**

I, Joel J. Sternstein, upon affirmation, state as follows:

1. I am an Assistant Attorney General in the Environmental Bureau North of the Illinois Attorney General's Office and, prior to October 16, 2003, I was assigned to assist in the representation of the People of the State of Illinois in the case styled, People v. Skokie Valley Asphalt Co., Inc., et al., PCB No. 96-98, filed before the Illinois Pollution Control Board.

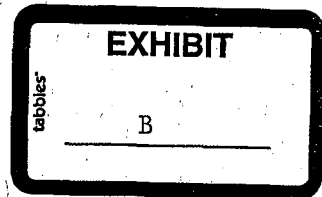
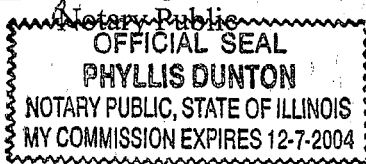
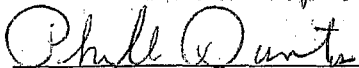
2. I have reviewed the hours I spent prosecuting this case, and having personal and direct knowledge of same, the undersigned certifies that the statements set forth in this affidavit and attachment pertaining to the hours spent prosecuting this case are true and accurate.

Further affiant sayeth not.



Joel J. Sternstein  
Assistant Attorney General  
Environmental Bureau North

Subscribed to and affirmed before me  
this 16th day of September, 2004.



| Activity  | Time (Hours) | Date        |
|---|--------------|-------------|
| Review file   | 5            | Aug 5 2002  |
|   | 3            | Aug 6 2002  |
|   | 2            | Aug 12 2002 |
|   | 6            | Aug 13 2002 |
| Drafted Complainant's Response to Respondent's Motion to Strike the Second Amended Complaint  | 6            | Sep 26 2002 |
|   | 6            | Sep 27 2002 |
|   | 4            | Sep 30 2002 |
| Board status call   | 0.5          | Oct 16 2002 |
| Board status call   | 0.5          | Nov 20 2002 |
| Drafted Complainant's Motion to Deem Facts Admitted and Motion for Summary Judgement  | 5            | Dec 13 2002 |
|   | 5            | Dec 19 2002 |
|   | 6            | Dec 20 2002 |
| Board status call   | 0.5          | Dec 23 2002 |
| Drafted Motion for Leave to File Reply and Reply to Respondent's Response to Complainant's Motion to Deem Facts Admitted and Motion for Summary Judgement   | 5            | Jan 15 2003 |
|   | 4            | Jan 16 2003 |
|   | 5            | Jan 17 2003 |
| Board status call   | 0.5          | Feb 13 2003 |
| Board status call   | 0.5          | Mar 28 2003 |
| Drafted Complainant's Motion to Strike or Dismiss Respondent's Affirmative Defenses   | 4            | Apr 11 2003 |
|   | 6            | Apr 14 2003 |
|   | 4            | Apr 18 2003 |
| Meeting with AAG Cohen to Discuss Case  | 2            | Apr 18 2003 |
| Drafted discovery   | 8            | Apr 29 2003 |
|   | 8            | Apr 30 2003 |
|   | 4            | May 2 2003  |
|   | 6            | May 6 2003  |
|   | 6            | May 7 2003  |
| Drafted Motion to Strike Respondent's Motion to Dismiss the Frederick Brothers or in the Alternative Complainant's Response and Request to Deny Respondent's Motion to Dismiss the Frederick Brothers | 5            | May 1 2003  |
|   | 4            | May 2 2003  |
|   | 1            | May 5 2003  |
| Board status call   | 0.5          | Jun 27 2003 |
| Draft First Motion to Compel Response to Discovery  | 8            | Jul 3 2003  |
|   | 7            | Jul 9 2003  |
| Board status call   | 0.5          | Jul 10 2003 |

|  |              |             |
|--|--------------|-------------|
| Meet with AAGs Cohen and Murphy to Discuss Case  | 2            | Jul 23 2003 |
| Draft Second Motion to Compel Response to Discovery                                      | 5            | Jul 25 2003 |
|  | 3            | Jul 28 2003 |
| Board status call  | 1            | Jul 29 2003 |
| Prepare for depositions of Frederick Brothers  | 4            | Aug 1 2003  |
|  | 8            | Aug 4 2003  |
|  | 5            | Aug 5 2003  |
| Attend deposition of Richard Frederick   | 3            | Aug 5 2003  |
| Prepare for / Attend depositions of Edwin Frederick                                      | 4            | Aug 6 2003  |
| Answer Respondent's Discovery Requests   | 4            | Aug 18 2003 |
|  | 4            | Aug 19 2003 |
|  | 4            | Aug 20 2003 |
|  | 4            | Aug 21 2003 |
|  | 2            | Aug 22 2003 |
| Board status call  | 0.5          | Sep 5 2003  |
| Review Complainant's Response to Strike Amended Complaint and Recuse Attorney Sternstein | 1            | Sep 10 2003 |
| Draft Affidavit for Response to Recuse Attorney Sternstein                               | 1            | Sep 11 2003 |
| Draft Complainant's Pre-Hearing Memorandum   | 2            | Sep 12 2003 |
|  | 4            | Sep 15 2003 |
|  | 6            | Sep 16 2003 |
|  | 7            | Sep 17 2003 |
|  | 3            | Sep 18 2003 |
| Trial Preparation with witnesses Garretson and Kallis                                    | 4            | Oct 2 2003  |
| Board status call  | 0.5          | Oct 7 2003  |
| Trial Preparation with witness Garretson and Kallis                                      | 4            | Oct 15 2003 |
| <b>TOTAL HOURS</b>   | <b>224.5</b> |             |

State of Illinois )  
 ) SS  
County of Lake )

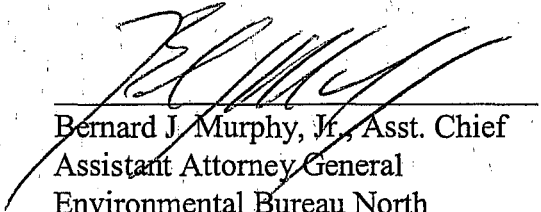
**AFFIDAVIT**

I, Bernard J. Murphy, Jr., upon affirmation, state as follows:

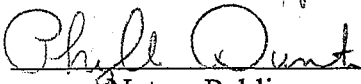
1. I am an Assistant Attorney General in the Environmental Bureau North of the Illinois Attorney General's Office and assigned to assist in the representation of the People of the State of Illinois in the case styled, People v. Skokie Valley Asphalt Co., Inc., et al., PCB No. 96-98, filed before the Illinois Pollution Control Board.

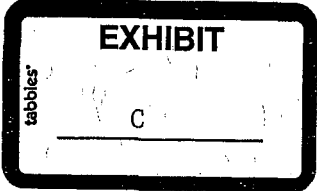
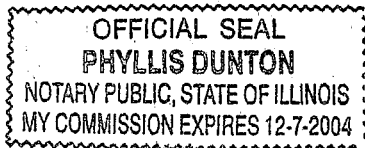
2. I have reviewed the hours I spent prosecuting this case, which include compiling the attached time sheets, and having personal and direct knowledge of same, the undersigned certifies that the statements set forth in this affidavit and attachment pertaining to the hours spent prosecuting this case are true and accurate.

Further affiant sayeth not.

  
Bernard J. Murphy, Jr., Asst. Chief  
Assistant Attorney General  
Environmental Bureau North

Subscribed to and affirmed before me  
this 16th day of September, 2004.

  
Notary Public



| Date       | Description   | Time  |
|------------|---|-------|
| 10/3/2003  | Pleading review, trial preparation                          | 2.5   |
| 10/6/2003  | Document review, trial preparation                          | 4     |
| 10/7/2003  | Attend hearing, trial preparation                           | 7     |
| 10/8/2003  | Trial preparation   | 6     |
| 10/14/2003 | Trial preparation, resolve discovery issues                 | 6     |
| 10/16/2003 | Review Board order, conference w/ Sternstein and Cohe       | 7.5   |
| 10/17/2003 | File review, trial preparation                              | 3.5   |
| 10/22/2003 | Trial preparation   | 7.5   |
| 10/23/2003 | Trial preparation   | 9.5   |
| 10/24/2003 | Trial preparation   | 9     |
| 10/25/2003 | Trial preparation   | 4     |
| 10/27/2003 | Trial preparation   | 10    |
| 10/28/2003 | Pre-trial preparation, conduct pre-trial, trial preparation | 10    |
| 10/29/2003 | Trial preparation, travel to trial venue                    | 12    |
| 10/30/2003 | Trial preparation, conduct trial                            | 14    |
| 10/31/2003 | Trial preparation, conduct trial, travel to home            | 13    |
| 11/17/2003 | Prepare draft of closing statement                          | 4     |
| 11/18/2003 | Prepare draft of closing statement                          | 4     |
| 4/12/2004  | Review and revise reply in support of closing argument      | 1.5   |
| 4/12/2004  | Preparation of fees affidavit and statement of hours work   | 1     |
| 5/21/2004  | Review Respondent's motion to strike closing argument,      | 3     |
| 9/8/2004   | Review Board order, analyze costs/fees issues               | 2.5   |
| 9/16/2004  | Compile fees work sheet, affidavit                          | 2     |
|            | Total hours worked  | 143.5 |

State of Illinois )  
 ) SS  
County of Lake )

**AFFIDAVIT**

I, Mitchell L. Cohen, upon affirmation, state as follows:

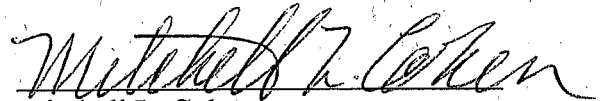
1. I am an Assistant Attorney General in the Environmental Bureau North of the Illinois Attorney General's Office and assigned to assist in the representation of the People of the State of Illinois in the case styled, People v. Skokie Valley Asphalt Co., Inc., et al., PCB No. 96-98, filed before the Illinois Pollution Control Board.

2. I have reviewed the costs incurred by the State of Illinois prosecuting this case, related invoices, and as set forth in the attached list of costs incurred, and having personal and direct knowledge of same, the undersigned certifies that the statements set forth in this affidavit and attachment pertaining to the costs incurred in prosecuting this case are true and accurate.


3. During the review of invoices, I discovered an error made regarding the costs of deposition transcripts. That error was corrected and is reflected in The People of the State of Illinois' Attorney Fees and Costs Petition, this affidavit, and the attached lists of costs.

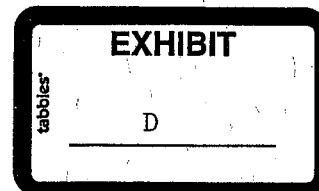
4. The State of Illinois incurred \$3,482.84 in costs in prosecuting this case.

Further affiant sayeth not.

  
Mitchell L. Cohen  
Assistant Attorney General  
Environmental Bureau North

Subscribed to and affirmed before me  
this 16<sup>th</sup> day of September, 2004.

  
\_\_\_\_\_  
Notary Public  
OFFICIAL SEAL  
PHYLLIS DUNTON  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 12-7-2004





People v. Skokie Valley Asphalt Co., Inc., et al.

PCB No. 96-98

Illinois Pollution Control Board

**COSTS INCURRED BY THE STATE OF ILLINOIS**

Depositions: \$ 1,796.65

Edwin Frederick Deposition: \$ 311.80

Richard Frederick Deposition: \$ 292.90

Chris Kallis/James Huff Deps: \$ 1,191.95

Photocopying, off-site \$ 1,119.34

Kinkos 9/30/03 \$ 63.70

Kinkos 10/6/03 \$ 466.64

Kinkos 10/16/03 \$ 589.00

AAG Cohen Travel & Lodging \$ 305.62

October 28, 2003 through October 31, 2003

Mileage, lodging (Holiday Inn, Gurnee,  
IL), meals, tolls, and parking

AAG Murphy Travel & Lodging \$ 261.23

October 29, 2003 through October 31, 2003

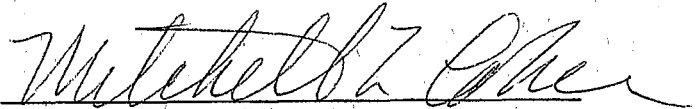
Mileage, lodging (Holiday Inn, Gurnee,  
IL), meals, tolls, and phone

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TOTAL COSTS \$ 3,482.84

CERTIFICATE OF SERVICE

I, MITCHELL COHEN, an Assistant Attorney General, certify that on the 17<sup>th</sup> day of September, 2004, I caused to be served by First Class Mail ~~The People of the State of Illinois' Attorney Fees and Costs Petition,~~ to the parties named on the attached service list.



MITCHELL L. COHEN  
Assistant Attorney General