

APR 25 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

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)

PCB 96-98

Enforcement

**RESPONDENTS' FIRST SET OF DOCUMENT REQUESTS
REGARDING ATTORNEYS' FEES, COSTS AND EXPENSES**

The Respondents, 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., by and through their attorney, David S. O'Neill, herein respectfully, serve upon plaintiffs the following request for production of documents, to be produced for inspection and copying within 28 days from the date of service, at the offices of David S. O'Neill, 5487 N. Milwaukee Avenue, Chicago, Illinois 60630-1249.

DEFINITIONS

The following definitions are to be used in interpreting and responding to this request regardless of whether the definition occurs before or after the use of the term defined:

Each request herein must be interpreted and responded to in light of the following definitions regardless of whether the definition occurs before or after the use of the term:

- A. "Respondents" means the parties identified as Respondents in the title of this request.
- B. "State" means the Plaintiff, People of the State of Illinois and includes each of its departments, agencies, agents, servants, employees and experts.

- C. "Identify" means fully state and enumerate:
1. As to person: state the full name, title, relation to the person to which this request is directed and the business address of such person;
 2. As to document: state the particular document (e.g. study, letter, map, etc. as detailed below), its date, title, author, addressee, publisher and any other basis for identification of such record. Also, state the person or body having charge of the document, the address and room number where such is physically located, the particular file containing such document and any other information which would facilitate a search for such record; and
 3. As to action or reason: state each action taken, the name of the person taking such action and/or making the determination, the date, time and location of said action and/or determination and the detailed nature of that act and identify all witnesses thereto and Related Documents.
- D. "In the possession of" means in the physical possession of, or under or subject to the control of or available to as a matter of right, the person or body named or any person or body subject to the control or direction of such person or body in regard to the record or item named.
- E. "Related to, Relating to, Concerning, Pertaining to, Relevant to, or Regarding" means consist of, refer to, reflect or be in any way logically, factually or conceptually connected with the matter discussed directly or indirectly.
- F. "Document" means all copies of all written or graphic matter of every kind and description, however produced or reproduced, whether relating to facts, opinion, event, recollection or intention, whether draft or a final, original or a reproduction including, but not limited to: canceled checks, ledgers, audits, diaries, calendars, photographs, notes, outlines, requisitions, reports, summaries, invoices, witness statements, bills of lading, orders, receipts, bank records, laboratory analysis, computations, models (whether computer generated or otherwise), letters, statements, correspondence, memoranda of telephone or personal conversations or other communications, memoranda of intra or inter office communications, bulletins, electronically stored information including, without limitation, such information which constitutes a complete file, a portion of file and without exception, any other computer or retrievable data (whether encoded, taped, or coded electrostatically, electromagnetically or otherwise); and any other Documents functionally similar to the foregoing, however described in the possession, custody or control of the Party to which this request is directed.
- G. If a request relates to reports, studies or like Documents, the request shall include all drafts, outlines, computations, notes, work paper and other information utilized or necessary to prepare the report, study or like document.
- H. "Communication" means all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams, and all other forms of oral or written intercourse.

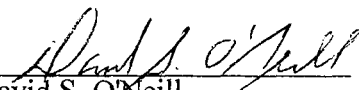
- I. "And, or, and/or" means and, as well as or, shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of this requested information and/or Documents which might otherwise be construed to be outside its scope.
- J. "Plural/Gender" as used herein, means any use of the singular shall include the plural and the singular. As used herein, any word connoting the masculine or feminine gender shall include the masculine, feminine and the non-gender, and the use of the non-gender shall include both the masculine and the feminine.
- K. "Non-Disclosure" means with respect to information which is withheld or not disclosed as requested pursuant hereto, due to a claim of privilege or non-disclosure, a statement shall be provided by counsel setting forth as to each such withholding or non-disclosure:
1. A brief description of the nature and subject matter and the reason for withholding or non-disclosure of the information; and
 2. The statute, rule, decision or other basis which is claimed to give rise to the privilege, or any other justification for the non-disclosure or withholding of the requested information.
- L. "Subject Matter of this Case" means in any manner conceptually Related to questions of fact or law in this case regardless of the point in time and whether they are Related to a motion, complaint, answer, counterclaim, cross claim, affirmative defenses or other pleadings whether in original or amended form.
- M. "Knowledge" means information either favorable or unfavorable to the position of the Person at whom this request is directed.
- N. "Person" ("People") includes natural persons, partnerships and governmental and private entities whether incorporated or otherwise but does not include the Respondents, its agents, employees or experts.
- O. "Facility" means any land or structures at any time used to conduct any operation of the Respondents which is Related to the Subject Matter of this Case and includes, but is not limited to, any former and/or current plant as necessary to broaden the request and the scope of the required response.
- P. "Board" shall mean the Illinois Pollution Control Board and includes each of its departments, agencies, agents, servants, employees and experts..
- Q. "Illinois Attorney General's Office" shall mean the Office of the Illinois Attorney General and includes each of its departments, agencies, agents, servants, employees and experts..
- R. "Attorneys Claiming Fees" shall include all employees of the State that are claiming fees and cost matter and will include, but is not necessarily limited to, Joel Sternstein, Bernard Murphy and Mitchell Cohen.

PRODUCTION REQUEST

1. All Documents Related to the subject matter of this case.
2. All Documents Related to work performed by the Attorneys Claiming Fees in the prosecution of this case.
3. All Documents Related to education and legal training for the Attorneys Claiming Fees.
4. All Documents Related to legal experience for the Attorneys Claiming Fees.
5. All Documents Related to guidelines for pay rates and compensation for Assistant Attorney Generals at the Illinois Attorney General's Office.
6. All Documents Related to performance reviews, evaluations, personnel records and professional capabilities for the Attorneys Claiming Fees by the State from the date this case was filed with the Board until the present (including said Documents for Joel Sternstein from the Board).
7. All Documents Related to pay rate and total compensation per year and the history of any compensation increases and the basis for these compensation increases for the Attorneys Claiming Fees by the State from the date this case was filed with the Board until the present (including said Documents for Joel Sternstein from the Board).
8. All Documents Related to, and copies of, the Federal and State Income Tax Returns and Amended Returns filed for the Attorneys Claiming Fees from the date this case was filed with the Board until the present.
9. All Documents Related to the employment history of the Attorneys Claiming Fees, both with the State and other employment throughout their lifetime, including information on pay rates and compensation.
10. All Documents Related to Mr. Joel Sternstein's work related to the subject matter of this case including work performed while an employee of the Board.
11. All Documents Related to the procedure and decision related to the hiring of Mr. Joel Sternstein by the Illinois Attorney General's Office..
12. All Documents brought by Mr. Joel Sternstein from the Board to the Illinois Attorney General's Office.
13. All Documents Related to telephone conversations between the Attorneys Claiming Fees and the Board and information on the subject matter of the conversations from the date this case was filed with the Board until the present.
14. All Documents Related to meetings and conversations between the Attorneys Claiming Fees and the Board and information on the subject matter of the conversations from the date this case was filed with the Board until the present.

15. All Documents Related to the selection and/or determination of the "reasonable hourly rate" stated on page 3 of the People of the State of Illinois Attorney Fees and Costs Petition filed with the Board on September 17, 2004.
16. All Documents Related to the selection and/or determination of the "reasonable cost" stated on page 3 of the People of the State of Illinois Attorney Fees and Costs Petition filed with the Board on September 17, 2004.
17. All Documents Related to the selection and/or determination of the "the number of hours AAGs Cohen, Sternstein and Murphy spent prosecuting this case" stated on page 2 of the People of the State of Illinois Attorney Fees and Costs Petition filed with the Board on September 17, 2004.
18. All Documents Related to any other cases in which any of the Attorneys Claiming Fees sought cost and attorneys' fees
19. All Documents Related to any other cases in which any of the Illinois Attorney General's Office sought cost and attorneys' fees.
20. All Documents Related to the preparation of the Affidavit of Bernard Murphy attached to the People of the State of Illinois Attorney Fees and Costs Petition filed with the Board on September 17, 2004.
21. All Documents Related to the preparation of the Affidavit of Joel Sternstein attached to the People of the State of Illinois Attorney Fees and Costs Petition filed with the Board on September 17, 2004.
22. All Documents Related to the preparation of the Affidavit of Mitchell Cohen attached to the People of the State of Illinois Attorney Fees and Costs Petition filed with the Board on September 17, 2004.
23. All Documents Related to the selection and/or determination of the costs stated in the People of the State of Illinois Closing Rebuttal Argument and Reply Brief and filed with the Board on April 15, 2004..
24. All Documents Related to State's and the Office of the Attorney General's guidelines and procedures for assuring against and disciplining for the filing of false statements with the Board or the State.

The State shall furnish an affidavit stating whether the production is complete in accordance with this request.

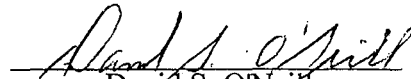

David S. O'Neill

David S. O'Neill, Attorney at Law
5487 N. Milwaukee Avenue
Chicago, Illinois 60630-1249
(773) 792-1333

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached RESPONDENTS' FIRST SET OF DOCUMENT REQUESTS REGARDING ATTORNEYS' FEES, COSTS AND EXPENSES by mailing the same from the U.S. Mail Box located at 5488 N. Milwaukee Avenue on December 30, 2004, upon the following party:

Mitchell Cohen
Environmental Bureau
Assistant Attorney General
Illinois Attorney General's Office
188 W. Randolph, 20th Floor
Chicago, IL 60601


David S. O'Neil

NOTARY SEAL

SUBSCRIBED AND SWORN TO ME this 30th

day of December 20 04


Notary Public



RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD APR 25 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)

PCB 96-98


v.)

Enforcement

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.)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the
Pollution Control Board the RESPONDENTS' FIRST SET OF DOCUMENT
REQUESTS REGARDING ATTORNEYS' FEES, COSTS AND EXPENSES, a copy
of which is hereby served upon you.


David S. O'Neill

April 25, 2005

David S. O'Neill, Attorney at Law
5487 N. Milwaukee Avenue
Chicago, IL 60630-1249
(773) 792-1333