

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)

Petitioner,)

v.)

CITY OF WEST CHICAGO, WEST)

CHICAGO CITY COUNCIL, and)

LAKESHORE RECYCLING SYSTEMS,)

LLC,)

Respondents)

PEOPLE OPPOSING DUPAGE)

ENVIRONMENTAL RACISM,)

Petitioner,)

v.)

CITY OF WEST CHICAGO and)

LAKESHORE RECYCLING SYSTEMS,)

Respondents.)

PCB No: 2023-107
(Pollution Control Facility Siting Appeal)

PCB No: 2023-109
(Third-Party Pollution Control Facility Siting Appeal)

NOTICE OF FILING

To: **See Attached Service List**

PLEASE TAKE NOTICE that on June 14, 2023, Protect West Chicago electronically filed with the Illinois Pollution Control Board, 60 E. Van Buren Street, Suite 630, Chicago, IL 60605, an original of the attached: **Response to Lakeshore Recycling Systems, LLC's Motion to For Leave to Serve Interrogatories Upon Protect West Chicago**, copies of which are attached and served upon you.

Dated: June 14, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

Ricardo Meza
Meza Law
542 S. Dearborn, 10th Floor
Chicago, IL 60605
(312) 802-0336
rmeza@meza.law

CERTIFICATE OF SERVICE

I, Ricardo Meza, an attorney, certify that I have served the attached: **Response to Lakeshore Recycling Systems, LLC's Motion to For Leave to Serve Interrogatories Upon Protect West Chicago**, on the below-named parties (Service List) by delivering the document to them via electronic mail on June 14, 2023 and via the PCB's Clerk's Office electronic filing system.



Ricardo Meza

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	
)	
v.	)	PCB No: <u>2023-107</u>
	)	(Pollution Control Facility Siting Appeal)
)	
CITY OF WEST CHICAGO, WEST)	
CHICAGO CITY COUNCIL, and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
Respondents)	
_____)	
PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
)	
Petitioner,)	
)	
v.	)	PCB No: <u>2023-109</u>
	)	(Third-Party Pollution Control Facility
CITY OF WEST CHICAGO and	)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
)	
Respondents.)	

RESPONSE TO LAKESHORE RECYCLING SYSTEMS, LLC’S MOTION FOR LEAVE TO SERVE INTERROGATORIES UPON PROTECT WEST CHICAGO

NOW COMES the Petitioner, Protect West Chicago, (“PWC”), by and through its attorney, Meza Law, and for its Response to Lakeshore Recycling Systems, LLC (“Lakeshore”) Motion to For Leave to Serve Interrogatories Upon Protect West Chicago (“Motion”), PWC states as follows:

Initial Discovery Schedule

- 1) On April 21, 2023, Hearing Officer Bradley Halloran issued an Order requiring the Parties to submit a proposed discovery schedule no later than April 24, 2023. **See Exhibit 1.**
- 2) On April 24, 2023, after conferring with all parties, counsel for Protect West Chicago filed an Agreed Motion to Set Discovery and Briefing Schedule. **See Exhibit 2.** In light of the statutory deadline for the Illinois Pollution Control Board (IPCB) to issue its ruling, and as

set forth in the Parties' Agreed Discovery and Briefing Schedule, the Parties agreed to the following schedule:

- Parties to submit written discovery no later than May 5, 2023;
- Responses due by May 26, 2023; and
- Depositions to be completed by June 23, 2023. *Id.*

Written Discovery Served

3) On May 5, 2023, and per the Agreed Discovery Schedule, PWC served written discovery on the City of West Chicago and Lakeshore. Of note, neither Lakeshore nor the City of West Chicago propounded any written discovery.

4) On May 10 and 11, 2023, Lakeshore and the City of West Chicago filed their objections to certain of PWC's written discovery but provided no actual responsive answers or documents to PWC. On May 24, 2023, PWC filed its Response to the Objections to the written discovery.

5) On May 25, 2023, Hearing Officer Halloran entered an Order that memorialized the events that occurred and were discussed at the May 25, 2023 Status Hearing. **See Exhibit 3.** In his Order, Hearing Officer Halloran noted that objections to the written discovery were under review and further set the next status hearing for June 22, 2023 at 11:00 am. At no time during the May 25, 2023 Status Hearing, which occurred twenty (20) days after written discovery was to be propounded, did Lakeshore inform Hearing Officer Halloran that it desired to serve any discovery of its own. In fact, and of significant note, in light of the fact that propounding of written discovery had already been closed per agreement of the Parties and briefing was completed, the only additional thing counsel for Lakeshore chose to inform Hearing Officer Halloran and the Parties about was its desire to provide a link to access responsive documents to facilitate (rather

than prolong or delay) completion of written discovery, and that it was in agreement to waive the IPCB decision until December 7, 2023. **See Exhibit 3.**

Proposed and Agreed Revised Discovery Schedule

6) On June 8, 2023, in light of the fact that a ruling on written discovery was under advisement, the next status hearing had been set for June 22, 2023, and the Parties had previously agreed to complete depositions by June 23, 2023, counsel for PWC asked the Parties if they would agree to and not object to extending the time to take depositions. **See Exhibit 4.** Neither objected. Thus, that same day (June 8, 2023) and prior to filing the Agreed Revised Discovery Schedule, counsel for PWC circulated a draft Agreed Revised Motion for Discovery extending the time to take depositions from June 23, 2023 to July 28, 2023 and also resetting the proposed schedule for the filing of the Parties' briefs in support of their petitions. **See Exhibit 4.** The draft Revised Discovery schedule that was circulated **did not** include a date for the Parties to issue written discovery because the time to file written discovery had already long since expired. **See Exhibit 4.** Counsel for Lakeshore did not object to the Revised Discovery Schedule nor did he advise that he intended to try to reopen the date to serve written discovery. **Id.** Thus, on June 8, 2023, counsel for PWC filed the Revised Discovery Schedule and provided Hearing Officer Halloran a copy of the Agreed Revised Discovery Schedule.

Lakeshore's Motion for Leave to Service Interrogatories on PWC

7) On June 9, 2023, one day after having agreed to the Revised Discovery schedule, Lakeshore filed its Motion for Leave to Serve Interrogatories on PWC. However, despite seeking leave to serve interrogatories long past the deadline for doing so, Lakeshore failed to attach a copy of the proposed interrogatories it desired to serve on PWC, or any explanation of what it sought to discover (or why).

8) On Sunday, June 11, 2023, Hearing Officer Halloran informed the parties via email that he because he was in a hearing, he could address Lakeshore's Motion in the evening, but because of the expedited nature of this case, he asked PWC submit its response by June 14, 2023.

PWC's Response To Lakeshore's Motion for Leave

9) PWC objects to Lakeshore's Motion for Leave to serve interrogatories on PWC for the following reasons:

- a. *First*, because as noted above, the time to file written discovery has long since expired and Lakeshore has not even attempted to provide a reason (let alone a justifiable one) for its failure to comply with the agreed written discovery deadline. Failure to comply with a written discovery cut-off date is a justifiable reason for denial of a request for additional interrogatories. *Canal Barge Co. v. Commonwealth Edison Co.*, 98 C 0509, 2001 WL 817853, at *5 (N.D. Ill. July 19, 2001); *See also In re Broiler Chicken Antitrust Litig.*, 16 C 8637 (N.D. Ill. Jan. 19, 2022) (Denying motion to serve interrogatories where the motion was untimely as per the agreed upon discovery schedule between the parties).
- b. *Second*, despite seeking leave to serve interrogatories on PWC, Lakeshore failed to attach, submit or in any other way inform this Hearing Officer or the parties of the nature of the proposed interrogatories it seeks leave to serve (or why it seeks leave to serve). Generally, a party seeking leave to submit a past due filing will submit the proposed filing (in this case the proposed interrogatories) along with its motion for leave. This is done because the party recognizes that the time to serve the interrogatories has expired and thus it provides the court (or, in this instance, the Hearing Officer,) the ability to review the proposed interrogatories so that they can determine the merits of the proposed filings. That was not done by Lakeshore here. Accordingly, at this point, there is no way to tell if there is even any relevance to the proposed written discovery. Illinois Courts have denied motions on the basis that the motion did not include the proposed request as an attachment. *See Wood v. Ek*, 21-2254, 2022 WL 16708241, at *1 (C.D. Ill. Nov. 4, 2022) (Denying Plaintiff's Motion to Amend because it did not include the proposed complaint); *Watts v. Methodist Med. Ctr. of Illinois*, 18-CV-1390-JES-TSH, 2021 WL 2383711, at *1 (C.D. Ill. June 10, 2021) (Denying Plaintiff's Motion for Leave for failure to attach proposed brief and comply with local rules).
- c. *Third*, on May 25, 2023, at the status hearing, Lakeshore failed to advise the Hearing Officer or the Parties that it desired to submit late interrogatories despite the fact that prior to ending the status hearing, the Hearing Officer (as is his usual custom) specifically asked the Parties if there was anything else they wished to raise at the hearing.

- d. *Fourth*, for some totally unexplained reason, Lakeshore waited until June 9, 2023 and *one day after* the Parties had already agreed to extend the date to take depositions from June 23, 2023 to July 28, 2023 before it filed its Motion for Leave to Serve Interrogatories on PWC. Whether by coincidence (which is hard to believe given the strange timing involved), casual indifference or disregard, or by deliberate and calculated design, such tactics should be rejected. The purpose of allowing the parties to set their own discovery schedule was to prevent these sorts of tactics and to allow the parties time to work together on setting what is and was a fair and efficient discovery schedule, that took into consideration the personal schedules and professional schedule of all parties involved, as well as the schedule of the Hearing Officer and this Honorable Board.

10) In addition to the reasons set forth above, PWC further objects to Lakeshore's Motion for Leave to Serve Interrogatories on PWC because regardless of the specific interrogatories Lakeshore seeks to serve on PWC, there is nothing that can be asked of PWC that would advance any of the issue in dispute in this matter. The issues before the IPCB are not related to PWC; PWC is a citizens group that has objected in proper fashion to the proposed siting of a second waste transfer station. Thus, regardless of the reason for the late request, discovery cannot be used as a fishing expedition to build speculative claims. *Cooney v. Magnabosco*, 407 Ill. App. 3d 264, 270, 347 Ill. Dec. 1000, 943 N.E.2d 290, 296 (1st Dist. 2011).¹ In other words, asking PWC to respond to questions about its reason for objecting to the second waste transfer station, would be irrelevant, a waste of time and resources and would not advance any issue in dispute in this matter. In short, the issues before the IPCB relate to the decisions and actions taken by the City of West Chicago – not PWC.

¹ In regard to objections to interrogatories, the IPCB procedural rules require a party who objects to an interrogatory to state their objection with specificity and accompany their objection with a copy of the interrogatory. *See* 35 Ill. Adm. Code 101.620(c).

11) In summary, and all told, allowance of the Lakeshore Motion for Leave to Serve in carte blanche fashion unspecified and unknown interrogatories serves no valid or meritorious purpose in this case, and is a classic example of “sharp practice” at its worst.

WHEREFORE, PWC respectfully requests for the entry of an Order Denying Lakeshore’s Motion for Leave to Serve Interrogatories on PWC and for such other relief as is just.

Dated: June 14, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

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rmeza@meza.law

Exhibit 1

ILLINOIS POLLUTION CONTROL BOARD

April 21, 2023

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	
)	
v.)	
	)	PCB 23-107
CITY OF WEST CHICAGO, WEST	)	(Third-Party Pollution Control Facility
CHICAGO CITY COUNCIL and	)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
)	
Respondents.)	

HEARING OFFICER ORDER

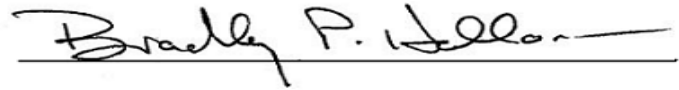
On April 20, 2023, all parties participated in a telephonic status conference with the hearing officer. The attorneys representing the related appeal, PCB 23-109, also participated. It is noted that respondent Lakeshore Recycling Systems, LLC, (Lakeshore Recycling) filed a motion to consolidate PCB 23-107 with PCB 23-109 on April 12, 2023. The Board has taken it under advisement. There is no objection to the motion to consolidate by any of the parties. It is noted that respondent, City of West Chicago, will await the Board's decision before filing the record in 23-109, if need be.

Protect West Chicago (PWC) has filed a motion to amend its petition. The parties were directed to file their respective responses to PWC's motion on or before April 24, 2023.

PWC has filed a motion for extension of time to file its' response to Lakeshore Recycling's motion to vacate and strike the Board order dated April 6, 2023. No party objected. PWC's motion is granted and PWC's response is now due on or before May 12, 2023. The parties for both PCB 23-107 and PCB 23-109 anticipate filing a proposed discovery schedule on or before April 24, 2023.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on May 11, 2023, at 11:30 a.m. The telephonic status conference must be initiated by the petitioner, and provide a call-in number, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

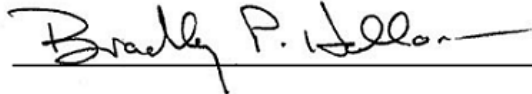
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street Suite 630
Chicago, Illinois 60605
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on April 21, 2023, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on April 21, 2023:

Don Brown
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601
312.814.8917

@ Consents to electronic service

SERVICE LIST

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Environment Advocacy Center
Northwestern Pritzker School of Law
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PCB 2023-107@
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PCB 2023-107@
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Attorney at Law
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Winfield, IL 60190

PCB 2023-107@
Dennis G. Walsh
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606

Exhibit 2

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	
)	
v.	)	PCB No: <u>2023-107</u>
	)	(Pollution Control Facility Siting Appeal)
)	
CITY OF WEST CHICAGO, WEST)	
CHICAGO CITY COUNCIL, and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
Respondents)	
)	
-----)	
PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
)	
Petitioner,)	
)	
v.	)	PCB No: <u>2023-109</u>
	)	(Third-Party Pollution Control Facility
CITY OF WEST CHICAGO and	)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
)	
Respondents.)	

**PROTECT WEST CHICAGO’S AGREED
MOTION TO SET DISCOVERY AND BRIEFING SCHEDULE**

NOW COMES the Petitioner, Protect West Chicago, (“PWC”), by and through its attorney, Meza Law, and hereby files its Agreed Motion to Set Discovery and Briefing Schedule with the Illinois Pollution Control Board.

1) Per the April 21, 2023 Order of Hearing Officer Bradley Halloran, the parties were ordered to submit a proposed Discovery Schedule no later than April 24, 2023.

2) After consulting with counsel for Lakeshore Recycling Systems, LLC, counsel for PODER, as well as counsel for the City of West Chicago, the parties propose and have agreed on the below Discovery and Briefing Schedule in this consolidated matter:

- a. Initial Written Discovery: No later than May 5, 2023

- b. Responses to Written Discovery: Due no Later than May 26, 2023
- c. Depositions to be completed: No Later than June 23, 2023.
- d. Petitioners' Opening Brief: No Later than July 21, 2023.
- e. Response Brief: No Later than August 18, 2023.
- f. Reply Brief: No Later than September 5, 2023.

WHEREFORE, PWC and the parties in this matter, respectfully requests the PCB to enter an Order setting the above referenced Discovery and Briefing Schedule. And to order any such other and further relief as the Board deems appropriate.

Dated: April 24, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

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(312) 802-0336
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Exhibit 3

ILLINOIS POLLUTION CONTROL BOARD

May 25, 2023

PROTECT WEST CHICAGO,)
)
 Petitioner,)
)
 v.) PCB 23-107
) (Third-Party Pollution Control Facility
 CITY OF WEST CHICAGO, WEST) Siting Appeal)
 CHICAGO CITY COUNCIL and)
 LAKESHORE RECYCLING SYSTEMS,)
 LLC,)
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 Respondents.)
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)
)
)

PEOPLE OPPOSING DUPAGE)
 ENVIRONMENTAL RACISM,)
)
 Petitioner,) PCB 23-109
) (Third-Party Control Facility
 v.) Siting Appeal)
)
 CITY OF WEST CHICAGO and) (Consolidated)
 LAKESHORE RECYCLING SYSTEMS,)
 LLC,)
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 Respondents.)
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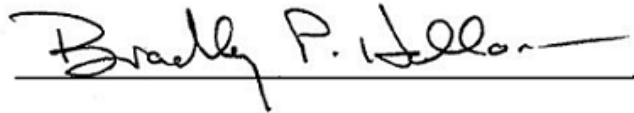
AMENDED HEARING OFFICER ORDER

On May 25, 2023, all parties participated in a telephonic status conference. I informed the parties that the parties' recent motions and responses are under review. The City of West Chicago stated that it anticipates filing a timely motion for leave to file a reply to Protect West Chicago's (PWC) response.

Lakeshore Recycling Systems (Lakeshore) stated that it will file an additional waiver to December 7, 2023. Lakeshore also informed that the responses to PWC's request for production of documents are voluminous and sought approval from the parties whether they objected to providing a link to access the documents. There were no objections. Lakeshore will also file electronically with the Clerk of the Board.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on June 22, 2023, at 11:00 a.m. The telephonic status conference must be initiated by the petitioners and are to provide a call-in number.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran" with a horizontal line underneath.

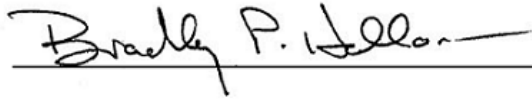
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
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Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

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It is hereby certified that a true copy of the foregoing order was e-mailed to the following on May 25, 2023:

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Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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@ Consents to electronic service

SERVICE LIST

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Robert A. Weinstock, Director
Environment Advocacy Center
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Daniel W. Bourgault
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Chicago, IL 60606

Exhibit 4

Electronic Filing: Received, Clerk's Office 06/14/2023

From: [Ricardo Meza](#)
To: [George Mueller](#); [Dennis G. Walsh](#); robert.weinstock@law.northwestern.edu
Subject: RE: Discovery Schedule
Date: Thursday, June 8, 2023 10:33:00 AM

Dear George and Dennis,

Can you please respond to my request – one way or the other.

Thanks

Ricardo Meza
Meza Law
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Chicago, IL 60605
(312) 802-0336
rmeza@meza.law
www.meza.law



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From: Ricardo Meza
Sent: Thursday, June 1, 2023 10:01 AM
To: George Mueller <george@muelleranderson.com>; Dennis G. Walsh <dgwalsh@ktjlaw.com>; robert.weinstock@law.northwestern.edu
Subject: Discovery Schedule

Dear George and Dennis,

In light of the pending motions and objections to the written discovery, as well as the agreement of Lakeshore to extend the time for the PCB to issue its ruling, and because our next status is set for June 22 and the proposed discovery cut-off is set for June 23, 2023, I believe it make sense to revise the discovery schedule and extend the time to complete discovery by 28, July 2023.

Please let me know if you are in agreement so that I can prepare an amended/revised proposed discovery schedule. I would send it to you two for review prior to filing.

Thanks

Ricardo Meza

Meza Law

542 S. Dearborn, 10th Floor

Chicago, IL 60605

(312) 802-0336

rmeza@meza.law

www.meza.law



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Exhibit 5

Electronic Filing: Received, Clerk's Office 06/14/2023

From: [George Mueller](#)
To: [Ricardo Meza](#)
Subject: Re: Discovery Schedule
Date: Thursday, June 8, 2023 11:26:06 AM

Lakeshore agrees

George Mueller, Attorney at Law

Mueller Anderson & Assoc., PC
1S123 Gardener Way
Winfield, Il. 60190
[630-235-0606](tel:630-235-0606) cell

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

On Jun 8, 2023, at 11:06 AM, Ricardo Meza <rmeza@meza.law> wrote:

Dear Dennis, George and Robert,

Please see the proposed schedule in the attached draft Agreed Revised Motion for Discovery –

If you are all fine with it, I can file today.

Ricardo Meza
Meza Law
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Chicago, IL 60605
(312) 802-0336
rmeza@meza.law
www.meza.law
<001.jpg>

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From: George Mueller <george@muelleranderson.com>
Sent: Thursday, June 8, 2023 10:47 AM
To: Ricardo Meza <rmeza@meza.law>

Electronic Filing: Received, Clerk's Office 06/14/2023

Cc: Dennis G. Walsh <DGWalsh@ktjlaw.com>;
robert.weinstock@law.northwestern.edu
Subject: Re: Discovery Schedule

Lakeshore is in agreement

George Mueller, Attorney at Law

Mueller Anderson & Assoc., PC
1S123 Gardener Way
Winfield, Il. 60190
[630-235-0606](tel:630-235-0606) cell

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On Jun 8, 2023, at 10:35 AM, Ricardo Meza <rmeza@meza.law> wrote:

Dear George and Dennis,

Can you please respond to my request – one way or the other.

Thanks

Ricardo Meza
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rmeza@meza.law
www.meza.law
<image001.jpg>

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From: Ricardo Meza
Sent: Thursday, June 1, 2023 10:01 AM
To: George Mueller <george@muelleranderson.com>; Dennis G. Walsh

Electronic Filing: Received, Clerk's Office 06/14/2023

<dgwalsh@ktjlw.com>; robert.weinstock@law.northwestern.edu

Subject: Discovery Schedule

Dear George and Dennis,

In light of the pending motions and objections to the written discovery, as well as the agreement of Lakeshore to extend the time for the PCB to issue its ruling, and because our next status is set for June 22 and the proposed discovery cut-off is set for June 23, 2023, I believe it make sense to revise the discovery schedule and extend the time to complete discovery by 28, July 2023.

Please let me know if you are in agreement so that I can prepare an amended/revised proposed discovery schedule. I would send it to you two for review prior to filing.

Thanks

Ricardo Meza
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<image001.jpg>

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<PWC - Agreed Revised Motion for Set Discovery Schedule .docx>

Exhibit 6

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)

Petitioner,)

v.)

CITY OF WEST CHICAGO, WEST)

CHICAGO CITY COUNCIL, and)

LAKESHORE RECYCLING SYSTEMS,)

LLC,)

Respondents)

PEOPLE OPPOSING DUPAGE)

ENVIRONMENTAL RACISM,)

Petitioner,)

v.)

CITY OF WEST CHICAGO and)

LAKESHORE RECYCLING SYSTEMS,)

Respondents.)

PCB No: 2023-107
(Pollution Control Facility Siting Appeal)

PCB No: 2023-109
(Third-Party Pollution Control Facility Siting Appeal)

NOTICE OF FILING

To: **See Attached Service List**

PLEASE TAKE NOTICE that on June 8, 2023, Protect West Chicago electronically filed with the Illinois Pollution Control Board, 60 E. Van Buren Street, Suite 630, Chicago, IL 60605, an original of the attached: **Agreed Revised Motion to Set Discovery and Briefing Schedule with the Illinois Pollution Control Board**, copies of which are attached and served upon you.

Dated: June 8, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

Ricardo Meza
Meza Law
542 S. Dearborn, 10th Floor
Chicago, IL 60605
(312) 802-0336
rmeza@meza.law

CERTIFICATE OF SERVICE

I, Ricardo Meza, an attorney, certify that I have served the attached: **Agreed Revised Motion to Set Discovery and Briefing Schedule with the Illinois Pollution Control Board**, on the below-named parties (Service List) by delivering the document to them via electronic mail on June 8, 2023 and via the PCB's Clerk's Office electronic filing system.



Ricardo Meza

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PROTECT WEST CHICAGO,)	
)	
Petitioner,)	
)	
v.	)	PCB No: <u>2023-107</u>
	)	(Pollution Control Facility Siting Appeal)
)	
CITY OF WEST CHICAGO, WEST)	
CHICAGO CITY COUNCIL, and)	
LAKESHORE RECYCLING SYSTEMS,)	
LLC,)	
Respondents)	
)	
<hr/>)	
PEOPLE OPPOSING DUPAGE)	
ENVIRONMENTAL RACISM,)	
)	
Petitioner,)	
)	
v.	)	PCB No: <u>2023-109</u>
	)	(Third-Party Pollution Control Facility
CITY OF WEST CHICAGO and	)	Siting Appeal)
LAKESHORE RECYCLING SYSTEMS,)	
)	
Respondents.)	

**PROTECT WEST CHICAGO’S AGREED REVISED
MOTION TO SET DISCOVERY AND BRIEFING SCHEDULE**

NOW COMES the Petitioner, Protect West Chicago, (“PWC”), by and through its attorney, Meza Law, and hereby files its Agreed Revised Motion to Set Discovery and Briefing Schedule with the Illinois Pollution Control Board.

1) Per the April 21, 2023 Order of Hearing Officer Bradley Halloran, the parties submitted a proposed Discovery Schedule, attached as Exhibit 1 to this Motion.

2) After submitting the proposed Discovery Schedule, the parties engaged in the issuance of written discovery which resulted in the filing of objections, a Response to the objections by PWC and a Motion for Leave to File a Reply to PWC’s Response by the City of West Chicago.

3) As of this writing, a ruling on the objections to the written discovery is pending and under consideration by the Illinois Pollution Control Board.

4) On May 30, 2023, pursuant to 35 Ill. Admin. Code 101.308(c)(2), Lakeshore Recycling Systems, LLC agreed to and did waive until December 7, 2023, the deadline imposed by statute upon the Pollution Control Board to issue its decision in regard to PWC's petition, as well as the petition of PODER.

5) Thus, because of the pending motions and the agreed upon extension noted above, the parties propose and have agreed on the below Revised Discovery and Briefing Schedule in this consolidated matter:

- a. Depositions to be completed: No Later than July 28, 2023.
- b. Petitioners' Opening Brief: No Later than September 1, 2023.
- c. Response Brief: No Later than October 2, 2023.
- d. Reply Brief: No Later than October 27, 2023.

WHEREFORE, PWC and the parties in this matter, respectfully requests the PCB to enter an Order setting the above referenced Discovery and Briefing Schedule. And to order any such other and further relief as the Board deems appropriate.

Dated: June 8, 2023

Respectfully Submitted,



Ricardo Meza
Attorney for Protect West Chicago

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