

65448-POH

## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MICHAEL WATSON,

Petitioner,

vs.

COUNTY BOARD OF KANKAKEE COUNTY,  
ILLINOIS, and WASTE MANAGEMENT OF  
ILLINOIS, INC.,

Respondent.

MAY 02 2003

No. PCB 03-134

STATE OF ILLINOIS  
Pollution Control Board

(Pollution Control Facility Siting Appeal)

Consolidated With PCB 03-125, 03-133,  
03-135)LIST OF WITNESSES TO TESTIFY AT THE PUBLIC HEARING

Now Comes Petitioner Michael Watson, by and through his attorneys at Querrey & Harrow, Ltd. and as and for List of Witnesses to Testify at Trial, states as follows:

1. Petitioner Watson has subpoenaed the following two witnesses to testify at the public hearing on May 6, 2002, starting at 1:00 p.m.:

Saundra Listenbee

Mary Ann Powers

2. Petitioner Watson has been given leave to serve written questions on Effraim Gill. In lieu of testimony at public hearing, and to be determined after Petitioner has an opportunity to review the answers to such questions served on Mr. Gill, Petitioner requests the parties stipulate that the questions and Mr. Gill's answers be submitted as his testimony at the public hearing.

3. Petitioner Watson seeks to have the following people produced at the public hearing by Waste Management of Illinois, Inc. (WMII). (Please consider this a S.Ct. Rule 237 notice. If WMII contends that the named persons below are "witnesses" opposed to parties, and

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Illinois Pollution Control Board Rule 101.662(a) applies, it is requested that WMII (a) so inform counsel for Petitioner Watson immediately, and inform Petitioner whether WMII will object to produce the following people, (b) inform Petitioner Watson whether WMII will accept service of subpoenas through counsel Moran or, if WMII will not, without waiving Petitioner's objection to such a circumstance, that WMII then provide the business and home addresses of the following people for service purposes):

Lee Addlemann<sup>1</sup>

Dale Hoekstra

Donald Moran<sup>2</sup>

4. Petitioner Watson seeks to have the following people produced at the public hearing by the County Board and County of Kankakee (collectively County). (Please consider this a S.Ct. Rule 237 notice. If the County contends that the named persons below are "witnesses" opposed to parties, and Illinois Pollution Control Board Rule 101.662(a) applies, it is requested that County (a) so inform counsel for Petitioner Watson immediately, and inform counsel for Petitioner Watson whether the County will object to produce the following people, (b) inform Petitioner Watson whether the County will accept service of subpoenas through counsel or, if

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<sup>1</sup> On April 30, 2003, the Hearing Officer granted Waste Management of Illinois, Inc.'s (WMII) objections to producing Mr. Addleman for deposition. However, WMII failed to provide through affidavit or verified medical statement a medical reason why Mr. Addleman cannot be deposed or provide testimony. Further, WMII's counsels representations concerning Mr. Addleman's health condition had no obvious connection to Mr. Addleman's mental capacity. Without waiving Petitioner's objection to the April 30, 2003 and any subsequent rulings on this issue, Petitioner respectfully seeks, in the alternative to have Mr. Addleman appear to testify, the evidence deposition of Mr. Addleman. If the evidence deposition is to be denied (without waiving its objections), Petitioner seeks leave to submit written questions to Mr. Addlemann, to be answered and certified by Mr. Addlemann and which will be admissible as if it were his testimony at the public hearing.

<sup>2</sup> The Hearing Officer likewise ruled on April 30, 2003, with respect to the discovery deposition of Mr. Moran and on May 1, 2003, with respect to the Rule 237 notice of Mr. Moran. Petitioner reserves his objections to this ruling and reiterates his response to objections to the discovery deposition of this individual that since Mr. Moran and Ms. Harvey were the only two people identified as being involved in their conversations occurring, *ex parte*, during January 2003, and prior to the County's decision on January 31, 2003, they are the only source for information concerning the exact substance of that communication.

the County will not, without waiving Petitioner's objection to such a circumstance, that the County then provide the business and home addresses of the following people for service purposes):

Stan James (County Board Member)

Bruce Clark (County Clerk)

Karl Kruse (County Board Chairman)

Elmer Wilson (County Board Member)

Chris Richardson (County employee)

Juanita Baker (by deposition transcript, if so stipulated by the parties)

Mike VanMill (County employee)

Doug Graves (County Board Member)

Leo Whitten (County Board Member)

Effraim Gill (former County employee)

Sharkey Martin (by deposition transcript, if so stipulated by the parties)

Chris Berger (County consultant)

Pam Lee (County Board Member and Vice Chairperson)

George Washington, Jr. (County Board Member)

Wes Wiseman (County Board Member)

Elizabeth Harvey (Special Assistant State's Attorney)<sup>3</sup>

5. Additionally, Petitioner Watson may seek to present testimony of the following people (reserving his right to not call such people):

Daniel Hartweg: (without waiving attorney-client confidence or work-product

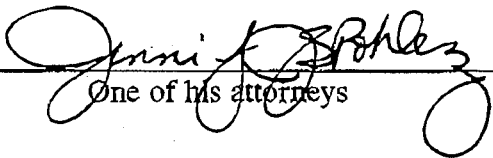
privilege) on the limited matter of his affidavit contained in the Record on Appeal. Unless there are no objections to producing his affidavit in lieu of his testimony at hearing.

6. Petitioner Watson requests the Parties to identify which, if any, of the above referenced individuals who have been deposed, a Party would object to a stipulation to submit the person's deposition testimony in lieu of testimony at the public hearing, as additional persons may be requested to testify at hearing through submittal of their discovery deposition, once that deposition transcript is received and reviewed by counsel for Petitioner.

7. Petitioner reserves his right to present additional witnesses in rebuttal.

Dated: May 2, 2003

PETITIONER MICHAEL WATSON

  
One of his attorneys

Jennifer J. Sackett Pohlentz  
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<sup>3</sup> See, note 2, above.

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Please see enclosed List of Witnesses to Testify at the Public Hearing

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