

ORIGINAL

RECEIVED
CLERK'S OFFICE

APR 24 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

THE CITY OF KANKAKEE, an Illinois
Municipal Corporation)

Petitioner)

v.)

No. PCB 03-125

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility
Siting Appeal)

MERLIN KARLOCK,)

Petitioner)

v.)

No. PCB 03-133

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility
Siting Appeal)

MICHAEL WATSON,)

Petitioner)

v.)

No. PCB 03-134

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility
Siting Appeal)

KEITH RUNYON,)

Petitioner)

v.)

No. PCB 03-135

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS)	
INC.,)	
)	
Petitioner)	
)	
v.)	No. PCB 03-144
)	(Pollution Control Facility
COUNTY OF KANKAKEE,)	Siting Appeal Consolidated)
)	
Respondent)	

NOTICE OF FILING

To: See Attached Service List

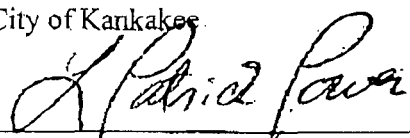
PLEASE TAKE NOTICE that on April 24, 2003 there caused to be filed via U.S. Mail with the Illinois Pollution Control Board an original and 9 copies of the following document, a copy of which is attached hereto:

City of Kankakee's Motion to Compel

Respectfully submitted,

The City of Kankakee.

By:



Attorney for City of Kankakee

Prepared by:
L. Patrick Power #2244357
Corporate Counsel
956 North Fifth Ave.
Kankakee, IL 60901
(815) 937-6937

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE CITY OF KANKAKEE, an Illinois)
Municipal Corporation)

Petitioner)

v.)

No. PCB 03-125

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility)
Siting Appeal)

MERLIN KARLOCK,)

Petitioner)

v.)

No. PCB 03-133

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility)
Siting Appeal)

MICHAEL WATSON,)

Petitioner)

v.)

No. PCB 03-134

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility)
Siting Appeal)

KEITH RUNYON,)

Petitioner)

v.)

No. PCB 03-135

COUNTY OF KANKAKEE, a body politic and)
Corporate; KANKAKEE COUNTY BOARD;)
And WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Respondent)

(Third-Party Pollution Control Facility)
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS)	
INC.,)	
)	
Petitioner)	
)	
v.)	No. PCB 03-144
)	(Pollution Control Facility
COUNTY OF KANKAKEE,)	Siting Appeal Consolidated)
)	
Respondent)	

MOTION TO COMPEL

Now comes City of Kankakee, a Municipal Corporation, ("City"), by and through its attorneys, L. Patrick Power and Kenneth A. Leshen, Assistant City Attorneys, and moves Illinois Pollution Control Board to compel the County of Kankakee to produce any and all invoices of Hinshaw & Culbertson which it sent as part of its representation of the County in the siting procedure which is the subject matter of this action and in support thereof, states as follows:

1. County of Kankakee was served with document requests, which included a demand for the invoices of Hinshaw & Culbertson referred to above.
2. That pursuant to an Order of this Court filed on April 17, 2003, Kankakee County was directed to produce said invoices.
3. That County of Kankakee delivered to City a packet of documents which purports to be in compliance with Illinois Pollution Control Board's Order of April 17, 2003.
4. That the discovery packet referred to in the above paragraph did not include any invoices of Hinshaw & Culbertson.
5. That City believes that such invoices do exist because of information contained in Defendant's Amended Answers to City of Kankakee's Interrogatories at page 5 thereof wherein County of Kankakee in pertinent part states as follows:

". . . To the extent said Interrogatory is limited to communications between Waste Management of Illinois, Inc., and the County after August 16, 2002, and prior to the decision date; none other than the

communications held on the public record, and procedural non-substantive communications between Special State's Attorney of Kankakee county and the attorneys of Waste Management of Illinois, which would be reflected in the invoices of Hinshaw & Culbertson, and the communications of Elizabeth Harvey with counsel of WMII which are part of the public record, if any. . . ."

6. The "invoices of Hinshaw & Culbertson" referred to in that answer were not contained in the discovery documents supplied by County and further, to the best of City's acknowledge, were never made part of the public record.

WHEREFORE, City of Kankakee, prays that the County of Kankakee be compelled to deliver all of its invoices of Hinshaw & Culbertson sent to the County as part of this siting procedure.

Respectfully submitted,

The City of Kankakee

By: *L. Patrick Power*
The City of Kankakee
By its attorneys, L. Patrick Power and Kenneth A. Leshen, Assistant City Attorneys

Prepared by:
L. Patrick Power and
Kenneth A. Leshen, Assistant
City Attorneys
956 N. Fifth
Kankakee, IL 60901
937- 6937
Reg. No. 03127454
Reg. No. 2244357

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on April 24, 2003, a copy of the foregoing City of Kankakee's **Motion to Compel** was served upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218

Donald J. Moran
Attorney at Law
161 N. Clark, Suite 3100
Chicago, IL 60601
(312) 261-2149
(312) 261-1149 Fax

Charles F. Helsten
Attorney at Law
P.O. Box 1389
Rockford, IL 61105-1389
Fax: (815) 963-9989

Elizabeth Harvey, Esq.
One IBM Plaza, Suite 2900
330 N. Wabash
Chicago, IL 60611
(312) 321-9100
(312) 321-0990 Fax

Kenneth Leshen
One Dearborn Square, Suite 550
Kankakee, IL 60901
(815) 933-3385
(815) 933-3397 Fax

Jennifer J. Sackett Pohlenz,
Attorney at Law
175 W. Jackson Blvd., Suite 1600
Chicago, IL 60604
(312) 540-7540
(312) 540-0578 Fax

George Mueller
Attorney at Law
501 State Street
Ottawa, IL 61350
(815) 261-2149
(815) 433-4913 Fax

Leland Milk
6903 S. Route 45-52
Chebanse, IL 60922

Patricia O'Dell
1242 Arrowhead Dr.
Bourbonnais, IL 60914

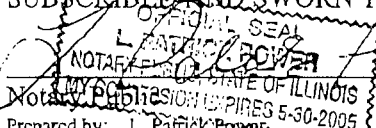
Keith Runyon
1165 Plum Creek Dr. #D
Bourbonnais, IL 60914
(815) 937-9838
(815) 937-9164 Fax

Brad Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218
Fax: (312) 814-3669

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Kankakee, Illinois, proper postage prepaid, before the hour of 6:00 p.m., on 24th day of April 2003, addressed as above.

Kenneth A. Leshen

SUBSCRIBED AND SWORN TO before me this 24th day of April 2003.



Prepared by: L. Patrick Power
Assistant City Attorney
956 N. Fifth Avenue
Kankakee, IL 60901
(815) 937-6937

Kenneth A. Leshen
Assistant City Attorney
One Dearborn Square, Suite 550
Kankakee, IL 60901
(815) 933-3385

RECEIVED

CLERK'S OFFICE

APR 24 2003

STATE OF ILLINOIS
Pollution Control Board

Fax

Please deliver immediately to: Brad Halloran
of: IPCB
Fax number: 1-312-814-3669
Voice number:

Fax received from: L. Patrick Power
of:
Fax number: 815-937-0056
Voice number: 815-937-6937

Date: 4/24/03
Time: 12:41:42 PM
Number of Pages: 7

Subject:

Message: