

MAY 05 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

THE CITY OF KANKAKEE, an Illinois)
Municipal Corporation)

Petitioner)

v.)

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

Respondent)

No. PCB 03-125

(Third-Party Pollution Control Facility
Siting Appeal)

MERLIN KARLOCK,)

Petitioner)

v.)

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

Respondent)

No. PCB 03-133

(Third-Party Pollution Control Facility
Siting Appeal)

MICHAEL WATSON,)

Petitioner)

v.)

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

Respondent)

No. PCB 03-134

(Third-Party Pollution Control Facility
Siting Appeal)

KEITH RUNYON,)

Petitioner)

v.)

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

Respondent)

No. PCB 03-135

(Third-Party Pollution Control Facility
Siting Appeal)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

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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)	

MOTION FOR SANCTIONS
Pursuant to 35 Ill. ABM Code 101.800

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 and/or the Hearing Officer to impose sanctions against the County of Kankakee for failure to comply with procedure rules of the Board and in support thereof, states as follows:

1. That audio tapes of County Board secessions and County Board Committee secessions were requested by the City of Kankakee and Respondent, Watson, as part of the discovery request dated on or before April 4, 2003.
2. That the County of Kankakee was directed to produce said audio tapes.
3. That attorney for the County, Richard Porter stated to the attorneys for the City of Kankakee and attorneys for Mr. Watson that he would not surrender those tapes until he had an opportunity to listen to same and determine whether any of the tapes covered executive secessions.
4. That although the County Board did provide minutes of said meetings, these minutes were not verbatim and therefore the tapes are important in order to adequately cross-examine certain potential witnesses, namely, Pam Lee, Karl Kruse and others.
5. That attorney, Richard Porter has been promising to produce said tapes since the requests by City of Kankakee and Respondent, Watson.

6. That the City's ability to examine the above referred to witnesses has been seriously compromised by Kankakee County's failure to provide the above referred to audio tapes in a timely manner.

WHEREFORE, City of Kankakee, prays has follows:

I. That the County of Kankakee be directed immediately produce all of the audio tapes of the County Board secessions committee meeting secessions requested in the City of Kankakee's request to produce.

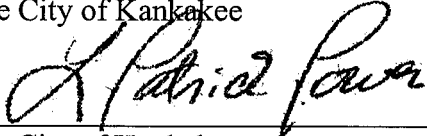
II. That City be given adequate time within which to examine said tapes before taking the deposition of Karl Kruse.

III. That the start of the hearing in this cause be delayed, if necessary, to allow the City of Kankakee to complete its discovery.

Respectfully submitted,

The City of Kankakee

By:



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 May 1, 2003, a copy of the foregoing City of Kankakee's **Motion for Sanctions** was served upon:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
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Chicago, IL 60601-3218

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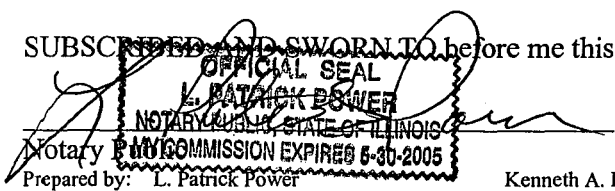
Brad Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218
Fax: (312) 814-3669

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 1st day of May 2003, addressed as above.

Kenneth A. Leshen

1st day of May 2003.

SUBSCRIBED AND SWORN TO before me this _____ day of May 2003.



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