

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
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OCT 01 2003

PEOPLE OF THE STATE OF ILLINOIS)
)
Complainant,)
)
vs-)
)
QC FINISHERS, INC., an Illinois)
corporation,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 01-7
(Enforcement - Air)

TO: Heidi E. Hanson Mr. Bradley P. Halloran
H.E. Hanson, Esq. P.C. Hearing Officer
4721 Franklin Avenue Illinois Pollution Control Board
Suite 1500 JRTC, Suite 11-500
Western Springs, IL 60558- 100 W. Randolph Street
1720 Chicago, IL. 60601

NOTICE OF FILING

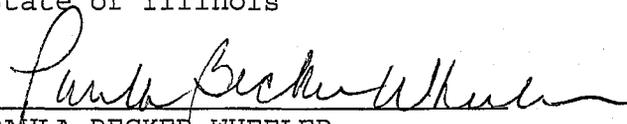
PLEASE TAKE NOTICE that we have today, October 1, 2003 filed with the above named persons, copies of Complainant's Response to Motion to Quash Notices of Deposition, a copy of which is attached herewith and served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General of the
State of Illinois

BY:


PAULA BECKER WHEELER
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, IL 60601
(312) 814-1511

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, Paula Becker Wheeler, an Assistant Attorney General in this case, do certify that on this 1st day of October, 2003, I caused to be served the foregoing Notice of Filing Complainant's Response to Motion to Quash Notices of Deposition upon the persons named within by U.S. Mail and fax to Heidi Hanson at the above address and in person to Bradley P. Halloran at the above address.

PAULA BECKER WHEELER

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COMPLAINANT'S RESPONSE TO
RESPONDENT'S MOTION TO QUASH NOTICES OF DEPOSITION

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, responds to Respondent's Motion to Quash Notices of Deposition as follows:

1. Respondent's attorney is correct in stating that Notices of Deposition were served instead of subpoenas. Complainant's attorney erroneously expected the deposition schedules and notices to be worked out by the parties without the necessity and expense of formal subpoenas. Although the formal subpoenas were not used, Respondent is on notice as to what witnesses are requested to be deposed and formal subpoenas can be issued without undue prejudice to the Respondent.

2. The Notices of Deposition were served on July 8, 2003 instead of July 7, 2003 because Complainant's attorney was out of town the ten days prior to July 7, 2003 and the date for the filing had been docketed incorrectly. Complainant's attorney contacted the Respondent's attorney on July 7, 2003 about the mix

up and offered to fax the Notices but did not meet with success. As discovery is not closed, the Respondent did not suffer any prejudice for the filing being a day late.

3. The information requested in the Attachments to the Notices was discussed between the parties and narrowed to focus on what would not be unduly burdensome for the specific witness. The non-party witnesses were also spoken to about what would be acceptable as a response to the request.

4. The Hearing Officer has the authority pursuant to Section 101.622 to modify any requests for information, and could do so without denying a party discovery in the form of depositions.

Wherefore, Complainant asks that Respondent's Motion be denied or modified to allow subpoenas to issue to the witnesses previously noticed up for deposition.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
By LISA MADIGAN,
Attorney General of the
State of Illinois,

By: *Paula B. Wheeler*
PAULA BECKER WHEELER
Assistant Attorney General
Environmental Bureau
188 W. Randolph St. - 20th Fl.
Chicago, IL 60601
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