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CLERK'S OFFICE

DEC 17 2003

STATE OF ILLINOIS
Pollution Control Board

PCB04-75

State of Illinois)
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County of Cook)

Affidavit of Carey S. Rosemarin
Proof of Service of Complaint

I, Carey S. Rosemarin, having been first duly sworn, hereby depose and state as follows:

1. On October 23, 2003, I sent the original and nine copies of the complaint in *Mate Technologies, Inc. v. F.I.C. America* (PCB 04-75) to the Pollution Control Board for filing, by Federal Express. On the same date, I sent one copy of the complaint by Federal Express to Timothy J. Hammersmith, a partner in the law firm of Masuda Funai, Eifert & Mitchell ("Masuda Funai"). I sent another copy of the complaint by Certified Mail, Return Receipt Requested, to FIC America's registered agent, by using the exact name and address that appears in the records of the Illinois Secretary of State:

Masuda, Funai, Eifert & Mitchell, Ltd.
Registered Agent for
F.I.C. America Corporation
One E. Wacker Dr.
Suite 3200
Chicago, IL 60601-2002

2. The "green card" certified mail receipt returned to my office, but for reasons unknown to me, lacked both the date of delivery and a signature of the intended recipient. In an October 29, 2003, e-mail to Mr. Hammersmith, I requested FIC America to acknowledge service. Attachment 1.

3. Having received no response to my e-mail to Mr. Hammersmith, on October 30, I again sent the complaint by Certified Mail, Return Receipt Requested, to FIC America's registered agent at the address listed in Paragraph 1, above. Yet again, the green card receipt returned with neither a date of delivery, nor signature of the intended recipient. True and correct copies of the green cards involved in both attempts to serve FIC are attached hereto. Attachment 2.


4. On November 5, 2003, Jeremy A. Gibson, another partner in Masuda Funai, agreed to acknowledge completion of service, and we further agreed to November 5, 2003 as the date of service. See Respondent's November 12, 2003 Motion for Extension of Time, at ¶ 1.

5. On December 15, 2003, I received a call from a clerk at the Illinois Pollution Control

Board, who stated that the Board's Order of December 4, 2003 was sent to me, but was returned unopened. We discovered at that time that due to a clerical error within the Board (since corrected) that the Board's Order was sent to an incorrect address. At my request, the clerk faxed the December 4, 2003 Order to me, and it was first received in the Law Offices of Carey S. Rosemarin, P.C. at 4:53 p.m. on December 15, 2003.

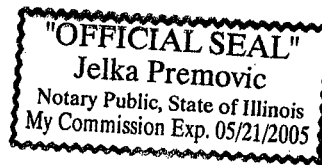
6. The complaint has been properly served on F.I.C. America Corporation.

Further affiant sayeth not.


Carey S. Rosemarin

Sworn to and subscribed before me this 16th day of December, 2003.





E-mail

From: Carey S. Rosemarin
Date: Wed Oct 29, 03 - 12:23 PM - E-mail
To: Mr. Timothy J. Hammersmith
CC:
Subject: Re: Mate Technologies, Inc. v. FIC America Corporation (PCB 04-75)

Contact: Mr. Timothy J. Hammersmith
File: Mate Technologies-FIC - 197/197-062003

Tim:

On October 23, 2003, I served the complaint in the above-referenced case on Masuda, Funai, Eifert & Mitchell, in its capacity as FIC America Corporation's Registered Agent. I sent the complaint by certified mail, return receipt requested. On October 27, 2003, I received the "green card" receipt, but oddly, the receipt bore neither a signature nor a date of delivery. I assume that delivery was in fact made, but that the delivery person simply overlooked these important details. Therefore, assuming Masuda, Funai did, in fact receive the complaint, I would greatly appreciate your so acknowledging by return e-mail, and advising me of the date of delivery. Alternatively, I have no objection if Masuda Funai agrees to accept service on the basis of the courtesy copy I sent you by Federal Express. This will save all of us needless expense and effort. Thank you for your cooperation.

Carey S. Rosemarin

Law Offices of Carey S. Rosemarin, P.C.
500 Skokie Boulevard, Suite 510
Northbrook, Illinois 60062
847-897-8000
csr@rosemarinlaw.com
312-896-5786 (Fax)
312-218-0875 (Cell)

Attachment 1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MASUDA, FUNAI, EIFERT & MITCHELL
 REGISTERED AGENT FOR
 F.I.C. AMERICA CORPORATION
 ONE E. WACKER DR.
 SUITE 3200
 CHICAGO, IL 60601-2002

2. Article Number

(Transfer from service tag)

7002 0510 0001 0695 8969

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MASUDA, FUNAI, EIFERT & MITCHELL
 REGISTERED AGENT FOR
 F.I.C. AMERICA CORPORATION
 ONE E. WACKER DR.
 SUITE 3200
 CHICAGO, IL 60601-2002

2. Article Number

(Transfer from service tag)

7002 0510 0001 0695 8945

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

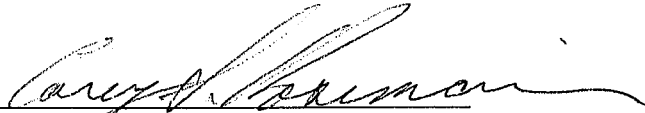
 Yes

CERTIFICATE OF SERVICE

I, Carey S. Rosemarin, an attorney, hereby certify that I caused a copy of the foregoing
"Affidavit of Carey S. Rosemarin: Proof of Service of Complaint" to be served upon:

Jeremy A. Gibson, Esq.
Mitchell S. Chaban, Esq.
Masuda, Funai, Eifert & Mitchell, Ltd.
One E. Wacker Dr.
Suite 3200
Chicago, IL 60601-2002

by regular U.S. Mail, on December 16, 2003.



Carey S. Rosemarin
Law Offices of Carey S. Rosemarin, P.C.
500 Skokie Boulevard, Suite 510
Northbrook, IL 60062
847-897-8000
312-896-5786 (Fax)