

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

SEP 19 2003

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

v. )

No. PCB 03-51

DRAW DRAPE CLEANERS, INC., )  
an Illinois corporation, )

Respondent. )

NOTICE OF FILING

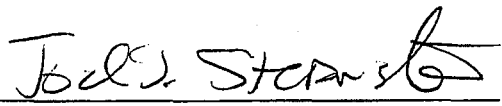
TO: See Attached Service List

PLEASE TAKE NOTICE that on September 19, 2003, the People of the State of Illinois filed with the Illinois Pollution Control Board COMPLAINANT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS, OBJECTS, AND TANGIBLE THINGS ON RESPONDENT DRAW DRAPE CLEANERS, INC. true and correct copies of which are attached and hereby served upon you.

Respectfully submitted,

LISA MADIGAN  
Attorney General  
State of Illinois

BY:

  
JOEL J. STERNSTEIN  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20th Floor  
Chicago, Illinois 60601  
(312) 814-6986

THIS FILING IS SUBMITTED ON RECYCLED PAPER

SERVICE LIST

Mr. Bradley Halloran, Esq.  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Ms. Maureen Wozniak, Esq.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
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401 S. LaSalle Street, Suite 403  
Chicago, Illinois 60605

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No. PCB 03-51  
(Enforcement - Air)

STATE OF ILLINOIS  
Pollution Control Board

COMPLAINANT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS,  
OBJECTS, AND TANGIBLE THINGS  
ON RESPONDENT DRAW DRAPE CLEANERS INC.

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 101.616 of the Board's Procedural Regulations, Illinois Supreme Court Rule 214, and the August 27, 2003 Hearing Officer Order requests that Respondent DRAW DRAPE CLEANERS, INC. produce, under oath, by October 10, 2003, the documents specified in the following request for the production of documents, objects, and tangible things ("production request"). Respondent is reminded of its duty to update its Responses to Complainant's First Set of Interrogatories pursuant to Illinois Supreme Court Rules 201(k) and 214:

## I. INSTRUCTIONS

1. Respondent is required, in answering this production request to furnish all information available to Respondent or their employees, agents, contractors, experts, or consultants, or which is ascertainable by reasonable inquiry whether or not the requested information might be available from another entity.

2. If a production request has subparts, Respondent is required to answer each part separately and in full.

3. If Respondent cannot answer a production request in full, it is required to answer all parts of the production request to the extent possible and specify the reason for its inability to provide additional information.

4. As to each production request, or portion thereof, identify in the answer every oral communication, document or writing which relates to the production request or response, whether or not such identification is specifically requested by the production request.

5. In answering each production request, identify each document, person, communication or meeting which relates to, corroborates, or in any way forms the basis for the answer given.

6. Respondent shall make the requested documents available for inspection and copying at the Office of the Illinois Attorney General, 188 West Randolph Street, 20<sup>th</sup> Floor, Chicago, Illinois.

7. Pursuant to Illinois Supreme Court Rule 214, Respondent is requested to serve upon Plaintiff corrected, supplemented or augmented answers hereto, documents or other forms of information from whatever source, which arguably tends to show that Respondent's prior answers are, might be, were or might have been in a sense incorrect, incomplete, potentially misleading or less than fully responsive or truthful.

8. If dates are requested, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given as to the production request and labeled as such.

9. In construing this production request:

a. the singular shall include the plural and the

plural shall include the singular; and

- b. a masculine, feminine or neuter pronoun shall not exclude the other genders.

10. If you encounter any ambiguity in construing any production request or any definition or instruction pertaining to any production request, set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the production request.

11. In producing documents, you are requested to furnish all documents or things in our actual or constructive possession, custody or control, or known or available to you, regardless of whether such documents or things are possessed directly by you or by your attorneys, agents, employees, representatives or investigators.

12. If any requested document is not or cannot be produced in full, produce it to the extent possible, indicating with particularity what documents or portion of any such documents is not or cannot be produced and the reason therefore.

13. In producing documents, you are requested to produce the original of each document requested together with all nonidentical copies and drafts of that document.

14. All documents should be produced in the same order as they are kept or maintained by you.

15. All documents should be produced in a file, folder, envelope, or other container in which the documents are kept or maintained by you. If for any reason the container cannot be produced, please produce copies of all labels or other identifying markings.

16. Documents attached to each other should not be separated.

17. Documents not otherwise responsive to this request shall be produced if such documents refer to, relate to, or explain the documents called for by this request and constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar documents.

18. Each document request should be construed and responded to independently from each other request. The scope of any requests should not be construed to limit or narrow the scope of

any other request.

19. This discovery is deemed continuing, necessitating supplemental answers by Respondent, or anyone acting on its behalf, when or if they obtain additional information which supplements or alters the answers now provided.

## II. CLAIMS OF PRIVILEGE

1. With respect to any production request which Respondent refuses to answer on a claim of privilege, provide a statement signed by an attorney representing Respondent setting forth for each such assertion of privilege:

- a. the name and job title of every person involved in the conversation or communication;
- b. the nature of the information disclosed;
- c. all facts relied upon in support of the claim of privilege;
- d. all documents related to the claim of privilege;
- e. all events, transactions or occurrences related to the claim of privilege;
- f. the statute, rule or decision which is claimed to give rise to the privilege or the reason for its unavailability.

2. If the objection relates to only part of a production request, the balance of the production request should be answered in full.

3. If you claim the attorney-client privilege or any other privilege is applicable to any document, with respect to that document:

- a. state the date of the document;
- b. identify each and every author of the document;
- c. identify each and every other person who prepared or participated in the preparation of the document;
- d. identify each and every person for whom the

document was received;

- e. identify each and every person from whom the document was received;
- f. state the present location of the document and all copies thereof;
- g. identify each and every person having custody or control of the document and all copies thereof; and
- h. provide sufficient further information concerning the document to explain the claim of privilege and to permit adjudication of the propriety of that claim.

### III. DEFINITIONS

1. "Respondent" shall mean DRAW DRAPE, INC. and any of Respondent's employees, agents, representatives, successors or assigns, or any other person acting or believed by Respondent to have acted on their behalf.

2. "Document" shall be construed in its customary broad sense and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, or any agreement bank record or statement; book of account, including any ledges, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; circular; communication (intra- or inter-company or governmental entity or agency or agencies); contract; copy; correspondence; diary; draft of any document; graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; print; receipt; record; recording report; statement; study; summary including any memorandum, minutes, note record, or summary of any (a) telephone, videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Respondent.

3. "Communication" shall mean, without limitation, any and all forms of transferring information, including discussions, conversations, meetings, conferences, interviews, negotiations, agreements, understandings, inquiries, correspondence, documents, or other transfers of information whether written or oral or by any other means, and includes any document which abstracts, digests, transcribes or records any communication.

4. "Facility" shall mean the property located 2235-2239 West Roscoe Street, Chicago, Cook County, Illinois, 60618 as referenced in paragraph 4 Count I of the complaint.

5. "Identification" or "identify" shall mean:

- a. As to an individual, stating his or her:
  - i. full and customarily used names;
  - ii. present business and residence addresses;
  - iii. business or profession during the relevant time period;
  - iv. every office, title, or position held during the relevant time period; and
  - v. every employer during the relevant time period.
- b. As to any person other than an individual, stating:
  - i. its legal name and any other name used by it;
  - ii. the form or manner of its organization (e.g. partnership, corporation, etc.); and
  - iii. the state of its incorporation (if it is incorporated) and the address of its principal place of business.
- c. As to a document, stating:
  - i. the date of its creation, execution, and receipt;
  - ii. its author or signatory;



- iii. its addresses and any other recipient;
  - iv. its type or nature (e.g., letter, memorandum, etc.);
  - v. the identify of the custodian;
  - vi. the identity of the document; and
  - vii. the present location of the document.
- d. As to any event, incident, conversation, transaction or occurrence, stating:
- i. the date;
  - ii. the place where it took place and the manner of its occurrence;
  - iii. identification of all the participants;
  - iv. its purpose and subject matter; and
  - v. a description of what transpired.

6. "Person" shall include, but is not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.

7. "Or" shall mean and/or wherever appropriate.

8. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally logically or factually connected with, proves, disproves, or tends to prove or disprove.

9. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.

10. The term "knowledge" means first hand information

and/or information derived from any other source, including hearsay.

11. "Illinois EPA" means the Illinois Environmental Protection Agency.

12. "FESOP" shall mean Federally Enforceable State Operating Permit.

13. "VOM" shall mean volatile organic material or volatile organic compound.

14. "Board" shall mean the Illinois Pollution Control Board.

15. "Dryer #1" shall mean the Dryer installed at the facility prior to 1981 that is still in operation at the facility.

16. "Dryer #2" shall mean the Dryer installed at the facility in 1996.

17. "Current" or "Present" means the filing date of these Requests for Admissions of Facts.

18. All terms not specifically defined herein shall have their logical ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

Production Request No. 1

Produce all documents, contracts, that list duties, titles, and responsibilities for all employees, operators, and/or consultants for Draw Drape Cleaners Inc. at all times relevant to the Complaint filed in this matter.

ANSWER:

Production Request No. 2

Provide all documents identifying any and all corporate officers for Draw Drape Cleaners, Inc., their titles and responsibilities including, but not limited to, Articles of Incorporation, Bylaws, Annual Reports and Minutes at all times relevant to the Complaint

filed in this matter.

ANSWER:

Production Request No. 3

Provide all documents identifying any and all corporate officers for American Drapery Cleaners and Flameproofers, Inc., their titles and responsibilities including, but not limited to, Articles of Incorporation, Bylaws, Annual Reports and Minutes at all times relevant to the Complaint filed in this matter.

ANSWER:

Production Request No. 4

Provide all documents for all sources of the following persons' incomes from 1996 through today including, but not limited to, federal and state tax returns; IRA statements; 401(k) statements; SEP (Simplified Employee Pension) statements; social security checks, receipts, or statements; pension checks, receipts, or statements; annuity statements; mutual fund statements; account records from any financial institution; W-2s; W-4s; copies of checks; check stubs; stock certificates; titles; deeds; and rental or leasing agreements or contracts. (If Respondent must order any of these records, i.e. tax returns from the IRS or the Illinois Department of Revenue, state the documents that Respondent ordered, the date Respondent ordered the document, and when Respondent expects to receive the document.)

- a) Richard Zell
- b) Steven Press
- c) Audrey Press
- d) Draw Drape Cleaners, Inc.
- e) American Drapery Cleaners & Flameproofers, Inc.

ANSWER:

Production Request No. 5

Provide all documents related to the following persons' accounts held individually, or jointly with one or more member of those persons' immediate families, at any financial institution, including but not limited to banks, savings and loans, trust companies, credit unions, mutual fund companies, and brokerage companies where those persons held, or currently hold, assets beginning 1996 through the present, including, but not limited to, deposit and withdrawal slips, electronic transfer notices, checks, direct deposit notices, and monthly and annual account statements.

- a) Richard Zell
- b) Steven Press
- c) Audrey Press
- d) Draw Drape Cleaners, Inc.
- e) American Drapery Cleaners & Flameproofers, Inc.

ANSWER:

Production Request No. 6

It is hereby requested that Respondent and/or its attorneys, in compliance with this production request, furnish an affidavit stating whether the responses to this production request are complete in accordance with this production request and as provided for in Supreme Court Rule 214.

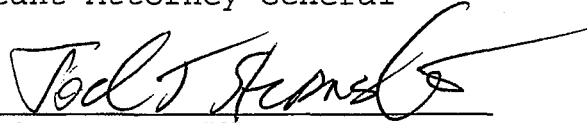
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
ex rel. LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

By:



JOEL J. STERNSTEIN  
Assistant Attorneys General  
Environmental Bureau  
188 W. Randolph St. 20th Fl.  
Chicago, Illinois 60601  
(312) 814-6986

CERTIFICATE OF SERVICE

I, JOEL J. STERNSTEIN, an Assistant Attorney General, certify that on the 19th day of September, 2003, I caused to be served by First Class Mail the foregoing COMPLAINANT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS, OBJECTS, AND TANGIBLE THINGS ON RESPONDENT DRAW DRAPE CLEANERS, INC. to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

  
\_\_\_\_\_  
JOEL J. STERNSTEIN