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JAN 16 2005

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

GINA PATTERMANN,	)	
	)	
Complainant,	)	PCB 99-187
	)	
v.	)	(Citizen Enforcement -
	)	Noise, Air)
BOUGHTON TRUCKING AND	)	
MATERIALS, INC.,	)	
	)	
Respondent.	)	

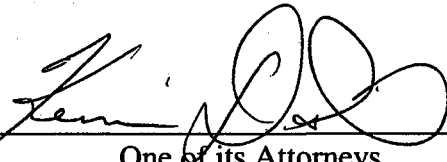
**NOTICE OF FILING**

TO: See Attached Certificate of Service

Please take notice that on January 18, 2005, I filed with the Illinois Pollution Control Board an original and four copies of this Notice of Filing and the attached JOINT PRE-TRIAL MEMORANDUM, copies of which are attached hereto and hereby served upon you.

Dated: January 18, 2005

BOUGHTON TRUCKING AND MATERIALS, INC.

By:  \_\_\_\_\_  
One of its Attorneys

Patricia F. Sharkey  
 Mark R. Ter Molen  
 Kevin Desharnais  
 Michelle Gale  
 Mayer, Brown, Rowe & Maw LLP  
 190 South LaSalle Street  
 Chicago, Illinois 60603-3441  
 (312) 782-0600

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Complainant,	)	PCB 99-187
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v.	)	(Citizen Enforcement –
	)	Noise, Air)
BOUGHTON TRUCKING AND	)	
MATERIALS, INC.,	)	
	)	
Respondent.	)	

**JOINT PRE-TRIAL MEMORANDUM**

Complainant Gina Pattermann (“Pattermann”) and Respondent, Boughton Trucking and Materials, Inc. (“Boughton”), by their attorneys, The Jeff Diver Group, L.L.C. and Mayer, Brown, Rowe & Maw LLP, respectively, submit below their Joint Pre-Trial Memorandum pursuant to the Hearing Officer’s Order dated January 3, 2005.

**Issues for Trial:**

Questions of fact and law pertaining to allegation that noise and dust emanating from the Boughton 111th Street Quarry have unreasonably interfered with Pattermann’s enjoyment of life or property in violation of Section 9(a) and Section(24) of the Illinois Environmental Protection Act.

**Stipulations**

1) Pattermann does not in this action allege injury to human, plant or animal life, to health, or to property.

2) Exhibits to be offered at hearing are limited to those documents, photographs and other materials (or digitalized images thereof) provided in discovery (as updated to make current) and listed in the exhibit list provided to the opposing party by January 24, 2005. Objections to any such exhibits are reserved.

Witnesses/ Time Anticipated

Plaintiff's Witnesses – First full day:

Gina Pattermann (Complainant)  
Lisa Collins  
Donald Boudreau  
William Jene  
Carlene Jenkins

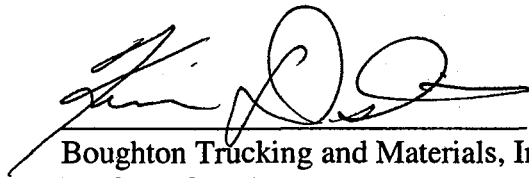
Defendant's Witnesses - Second full day:

Michael McCann  
Wayne Szepelak  
Dale Kessen

Exhibits

The parties shall exchange complete exhibit lists on or before the close of business Monday, January 24, 2005. All updated exhibits shall be provided to the opposing party by January 24, 2005.

Respectfully submitted,



Boughton Trucking and Materials, Inc.  
By One of Its Attorneys

January 18, 2005

Patricia F. Sharkey  
Kevin Desharnais  
Mark R. Ter Molen

Michelle A. Gale  
Mayer, Brown, Rowe & Maw LLP  
190 South LaSalle Street  
Chicago, Illinois 60603-3441  
(312) 782-0600

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gina Pattermann", with a long horizontal line extending to the right.

---

Gina Pattermann  
By One of Her Attorneys

January 18, 2005

Michael S. Blazer  
The Jeff Diver Group, L.L.C.  
1749 S. Naperville Road  
Suite 102  
Wheaton, IL 60187  
(630) 681-2530


**CERTIFICATE OF SERVICE**

Kevin Desharnais, an attorney, hereby certifies that a copy of the attached Notice of Filing and JOINT PRE-TRIAL MEMORANDUM was served on the persons listed below by First Class U.S. Mail, proper postage prepaid, on January 18, 2005.

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 West Randolph Street  
Chicago, IL 60601  
(Courtesy Copy)

Michael S. Blazer  
Matthew E. Cohen  
The Jeff Diver Group, LLC  
1749 S. Naperville Road, Suite #102  
Wheaton, IL 60187  
(U.S. Mail)

Kenneth A. Carlson  
Tracy Johnson & Wilson  
Sixth Floor, Two Rialto Square  
116 North Chicago Street  
Joliet, IL 60432  
(U.S. Mail)

  
\_\_\_\_\_  
Kevin Desharnais

Patricia F. Sharkey  
Mark R. Ter Molen  
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