

ILLINOIS POLLUTION CONTROL BOARD

FOX MORaine, LLC)	
)	
Petitioner,)	
	)	PCB No. 07-146
v.	)	(Pollution Control Facility Siting
	)	Appeal)
UNITED CITY OF YORKVILLE, CITY)	
COUNCIL)	
)	
Respondent.)	

MOTION TO DISMISS

Respondent, the United City of Yorkville ("Yorkville"), by its attorneys and pursuant to 415 ILCS 5/39.2(n) and 35 Ill. Admin. Code 107.502(b), hereby requests that the Pollution Control Board dismiss Petitioner's ("Fox Moraine") Petition for Review for its failure to pay costs of preparing and certifying the record of proceedings below. In support of its Motion, Yorkville states as follows:

BACKGROUND

1. On June 27, 2007, Fox Moraine filed a petition asking the Board to review a decision by Yorkville denying Fox Moraine's proposed siting of a landfill within Yorkville.
2. By order dated July 12, 2007, the Board accepted Fox Moraine's petition for hearing, noting that, "Petitioner must pay to Yorkville the cost of preparing and certifying the record," citing 415 ILCS 5/39.2(n) and 35 Ill. Admin. Code 107.306 and 107.502(b). (The Board's 7/12/07 Order is attached as Exhibit A.)
3. The record in this matter is voluminous, running 19,897 pages. Board rules state that, "Seven copies of the transcript and one original and 9 copies of all other documents in the record must be filed with the Board." 35 Ill. Admin. Code 107.304(c).

Electronic Filing - Received, Clerk's Office, May 1, 2008

4. To save significant time and expense and to reduce the amount of paper filed with the Board, Yorkville sought relief from the filing requirements and proposed filing one paper copy of the record along with a disk. Fox Moraine agreed with the filing of the motion. (A copy of Yorkville's motion is attached as Exhibit B.)

5. The Board granted the motion in part, directing Yorkville to file an original and two paper copies of the record and one disk. (A copy of the Board's 8/9/07 Order is attached as Exhibit C.) The Board's ruling meant that only approximately 20 percent of the otherwise required amount of paper was filed with the Board (two, instead of seven, copies of the transcript, and two, instead of nine, copies of all other documents were filed with the Board. This saved the cost of filing over an additional 110,000 pages with the Board, which, at \$0.08 per page, the cost charged by Yorkville's outside vendor, would have been \$8,800.)

6. As petitioner, Fox Moraine is required to the cost of preparing and certifying the record of the proceedings below. The Environmental Protection Act specifically provides:

In any review proceeding of a decision of the county board or governing body of a municipality made pursuant to the local siting review process, the petitioner in the review proceeding shall pay to the county or municipality the cost of preparing and certifying the record of proceedings. Should the petitioner in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure shall apply.

415 ILCS 5/39.2(n). *See also* 35 Ill. Admin. Code 107.306 ("petitioner must pay the costs of preparing and certifying the record to the Board.")

7. Section 3-109 of the Code of Civil Procedure further provides:

If the statute under authority of which the administrative decision was entered provides or requires that the plaintiff in the review proceeding shall pay to the agency the costs of preparing and certifying the record of proceedings before the agency, the failure to make that payment . . . **shall be authority for the entry of an order** by the court, on motion therefor by the agency or any other defendant, **dismissing the complaint.**

Electronic Filing - Received, Clerk's Office, May 1, 2008

735 ILCS 5/3-109 (emphasis added). *See also* 35 Ill. Admin. Code 107.502(b) (“Upon motion by any unit of local government that is required to prepare and certify its record alleging that any petitioner required to pay costs of preparing and certifying the record of the proceedings has failed to pay those costs, the Board may enter a dismissal or other order as allowed by Section 39.2(n) of the Act.”)

8. Yorkville, through its attorneys, engaged the services of an outside vendor, C² Legal, to assist it in preparing the record. C² Legal scanned the documents in the record and made disks and paper copies. C² Legal’s invoices for its services total \$6,282.96. (A copy of C² Legal’s invoices is attached as Exhibit D.)

9. On September 5, 2007, Yorkville provided the invoices to Fox Moraine and requested payment. (*See* ¶ 4 of Attorney Dombrowski Affidavit, attached as Exhibit E.) Fox Moraine did not pay.

10. On April 24, 2008, Yorkville again requested payment. As of the date of this motion, Fox Moraine still has refused to pay. (*See* ¶ 5 of Dombrowski Affidavit.)

11. Fox Moraine should have paid these costs of preparing the record six months ago. It has stalled long enough, and the Board should dismiss Fox Moraine’s petition for review for failure to pay these costs of preparing the record.

EXHIBIT A

ILLINOIS POLLUTION CONTROL BOARD
July 12, 2007

FOX MORaine, LLC,)	
)	
Petitioner,)	
)	
v.	)	PCB 07-146
	)	(Pollution Control Facility
UNITED CITY OF YORKVILLE, CITY	)	Siting Appeal)
COUNCIL)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On June 27, 2007, Fox Moraine, LLC (petitioner) timely filed a petition asking the Board to review a May 24, 2007 decision of United City of Yorkville City Council (Yorkville). Yorkville's decision concerns petitioner's proposed siting of a pollution control facility in Yorkville, Kendall County. For the reasons below, the Board accepts petitioner's petition for hearing.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2006)), before the Illinois Environmental Protection Agency can issue a permit to develop or construct a new or expanding pollution control facility, the permit applicant must obtain siting approval for the proposed facility from the local government (*i.e.*, the county board if in an unincorporated area or the governing body of the municipality if in an incorporated area). If the local government denies siting or approves siting with conditions, the siting applicant may appeal the local government's decision to the Board. *See* 415 ILCS 5/39(c), 40.1(a) (2006); 35 Ill. Adm. Code 107.

In this case, Yorkville denied petitioner's application to site a pollution control facility in Yorkville. Petitioner appeals on the grounds that Yorkville's decision was fundamentally unfair and the findings on criteria i, ii, iii, v, vi, vii, and ix (*see* 415 ILCS 5/39.2 (2006)) were against the manifest weight of the evidence. Petitioner's petition meets the content requirements of 35 Ill. Adm. Code 107.208.

The Board accepts the petition for hearing. Petitioner has the burden of proof. 415 ILCS 5/40.1(a) (2006); *see also* 35 Ill. Adm. Code 105.506. Hearings will be based exclusively on the record before Yorkville. Accordingly, though the Board hearing affords petitioner the opportunity to challenge the local government's reasons for its decision, information developed after the local government's decision typically is not admitted at hearing or considered by the Board. However, if relevant, evidence may be introduced on (1) the local government's jurisdiction over the siting application and (2) the fundamental fairness of the procedures used by the local government in reaching its decision. *See* 415 ILCS 5/40.1(a) (2006); Land & Lakes v. PCB, 319 Ill. App. 3d 41, 48, 743 N.E.2d 188, 194 (3d Dist. 2000).

Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.1(a) (2006)), which only petitioner may extend by waiver (*see* 35 Ill. Adm. Code 107.504; 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, the petitioner "may deem the site location approved." 415 ILCS 5/40.1(a) (2006). Currently, the decision deadline is October 25, 2007 (the 120th day after June 27, 2007). *See* 35 Ill. Adm. Code 107.504. The Board meeting immediately before the decision deadline is scheduled for October 18, 2007.

Yorkville must file the entire record of its proceedings within 21 days after the date of this order. *See* 35 Ill. Adm. Code 107.302. The record must comply with the content and certification requirements of 35 Ill. Adm. Code 107.304, 107.308. Petitioner must pay to Yorkville the cost of preparing and certifying the record. *See* 415 ILCS 5/39.2(n) (2006); 35 Ill. Adm. Code 107.306, 107.502(b).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 12, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

EXHIBIT B

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 20 2007

STATE OF ILLINOIS
Pollution Control Board

FOX MORaine, LLC)
)
Petitioner,)
)
v.)
)
UNITED CITY OF YORKVILLE, CITY)
COUNCIL)
)
Respondent.)

PCB No. 07-146
(Pollution Control Facility Siting
Appeal)

**UNITED CITY OF YORKVILLE'S MOTION FOR RELIEF
FROM CERTAIN LANDFILL SITING RECORD REQUIREMENTS**

Respondent, the United City of Yorkville ("Yorkville"), by and through its attorneys, respectfully moves the Pollution Control Board for an order granting Yorkville relief from certain requirements regarding the preparation and filing of the record. In support of its Motion, Yorkville states as follows:

1. The record in this matter is now due on or before August 16, 2007.
2. Board rules state that, "Seven copies of the transcript and one original and 9 copies of all other documents in the record must be filed with the Board." 35 Ill. Admin. Code § 107.304(c). Board rules also state that the record "must be placed in chronological sequence. *Id.* at § 107.304(b).
3. The record in this matter is voluminous. The landfill application alone fills approximately two boxes. Yorkville held public hearings on 23 days on the application, which resulted in over 100 hours of testimony from numerous witnesses, in addition to the filing of thousands of pages of related exhibits. There were also other, numerous exhibits filed as part of the record by various persons. Additionally, thousands

of pages of post-hearing comments were submitted. Yorkville estimates that the record runs well over 10,000 pages.

4. Because of the size of the record, Yorkville requests relief from the number of copies required to be filed and requests that it be granted leave to file one paper copy of the record along with one disk. Filing one paper copy of the record along with one disk would eliminate over one hundred thousand pages of paper to be filed with the Board. Yorkville believes that filing the record in this way would not hinder, delay, or otherwise negatively impact these proceedings before the Board.

5. As to the chronological sequence requirement, Yorkville will certainly file the record documents such as the host agreement, landfill application, hearing transcripts, post-hearing comments, transcripts of City Council Special Meetings, and City Council Resolution in chronological sequence. However, Yorkville believes that arranging the pre-hearing exhibits that were submitted to Yorkville alphabetically according to the submitter's name might be more understandable and user-friendly than sequencing them according to date submitted. For example, some parties, such as Kendall County and the Village of Plainfield, submitted exhibits more than once and on different dates. Therefore, Yorkville asks for relief from the chronological sequencing requirement for these exhibits.

6. During the telephonic status conference on July 18, 2007, George Mueller, attorney for Petitioner Fox Moraine, indicated that Fox Moraine had no objection to this Motion.

WHEREFORE, Respondent, the United City of Yorkville, respectfully moves the Board for an Order:

- 1) Granting it leave to file one paper copy of the record along with one disk;
- 2) Granting it leave to file the pre-hearing exhibits alphabetically according to the submitter's name; and
- 3) For further relief as the Board deems just and proper.

Respectfully submitted,

UNITED CITY OF YORKVILLE

By: 

One of their Attorneys

Dated: July 20, 2007

Anthony G. Hopp
Thomas I. Matyas,
Leo P. Dombrowski
WILDMAN, HARROLD, ALLEN & DIXON LLP
225 West Wacker Drive, 30th Floor
Chicago, Illinois 60606
Phone: (312) 201-2000
Fax: (312) 201-2555
hopp@wildman.com
matyas@wildman.com
dombrowski@wildman.com

EXHIBIT C

Electronic Filing - Received, Clerk's Office, May 1, 2008

ILLINOIS POLLUTION CONTROL BOARD

August 9, 2007

FOX MORaine, LLC,)	
)	
Petitioner,)	
)	
v.	)	PCB 07-146
	)	(Pollution Control Facility
UNITED CITY OF YORKVILLE, CITY	)	Siting Appeal)
COUNCIL)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On June 27, 2007, Fox Moraine, LLC (petitioner) timely filed a petition asking the Board to review a May 24, 2007 decision of United City of Yorkville City Council (Yorkville). Yorkville's decision concerns petitioner's proposed siting of a pollution control facility in Yorkville, Kendall County. On July 12, 2007, the Board accepted the petition for hearing

On July 20, 2007 Yorkville filed a motion for relief from certain record requirements (Mot). Yorkville seeks relief from filing an original and nine copies of the record in this proceeding and the original and seven copies of transcripts as required by the Board's rules at Section 107.304(b). Yorkville maintains that the record is voluminous and seeks leave to file one paper copy of the record with one disk. Mot at 2. In addition, Yorkville requests permission to file pre-hearing exhibits and comments alphabetically rather than chronologically. *Id.*

The Board grants in part Yorkville's motion for relief. Specifically, the Board will allow Yorkville to file a limited number of copies of the record; the Board directs Yorkville to file an original and two paper copies and one disk. Yorkville may also include pre-hearing exhibits and comments in alphabetical order rather than chronological order.

The Board notes that the record is due to be filed on August 16, 2007, by hearing officer order. As petitioner has waived the decision deadline in this matter to January 24, 2008 and a hearing has not yet been set, the Board extends the filing deadline to August 30, 2007.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 9, 2007, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

EXHIBIT D



Invoice

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Invoice Number: 0089075-IN
Invoice Date: 8/27/2007

Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	IM198	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
DVD's	42,000	35.000	1,470.00

To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on
Card Type:

Signature: _____ Date: _____

Invoice Total: 1,470.00

Please pay from this invoice - Terms: net 30 days from invoice date!!



Invoice

Invoice Number: 0089073-IN
Invoice Date: 8/27/2007

Digital Document Management
20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	IM197	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
Compact Disc	20.000	15.000	300.00

To pay by credit card please fill in and fax to 312-425-8078

Card #:
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Card Type:

Signature: _____ Date: _____

Invoice Total: _____ 300.00

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Invoice

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20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Invoice Number: 0089074-IN
Invoice Date: 8/27/2007

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225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter # 00525-002	Job # IM-196	Customer Name Ryan Aldrich	Salesperson Jessie O'Neal
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Item Number	Ordered	Price	Amount
Blowback of Scanned Images	18,804,000	0.080	1,504.32

To pay by credit card please fill in and fax to 312-425-8078

Card #:	
Expires on	Card Type:

Signature: _____ Date: _____

Invoice Total: _____ 1,504.32

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Invoice

Digital Document Management

Invoice Number: 0089096-IN

Invoice Date: 8/27/2007

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	428	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
Blowbacks of Scanned Images	37,608,000	0.080	3,008.64

To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on
Card Type:

Signature: _____ Date: _____

Invoice Total: 3,008.64

Please pay from this invoice - Terms: net 30 days from invoice date!

EXHIBIT E

ILLINOIS POLLUTION CONTROL BOARD

FOX MORaine, LLC)	
)	
Petitioner,)	
	)	PCB No. 07-146
v.	)	(Pollution Control Facility Siting
	)	Appeal)
UNITED CITY OF YORKVILLE, CITY)	
COUNCIL)	
)	
Respondent.)	

AFFIDAVIT OF LEO P. DOMBROWSKI

Leo P. Dombrowski being first duly sworn deposes and states as follows:

1. I am a duly admitted and practicing attorney and a partner at Wildman, Harrold, Allen & Dixon LLP (“Wildman Harrold”).
2. I am one of the attorneys of record engaged to represent the interests of the United City of Yorkville (“Yorkville”) in this matter.
3. In August 2007, Wildman Harrold, on behalf of Yorkville, retained C² Legal, a document management company, to assist Yorkville in preparing the record on appeal. As shown in C² Legal’s invoices, C² Legal scanned the documents in the landfill siting record and made disks and paper copies.
4. On September 5, 2007, I wrote to George Mueller, one of the attorneys of record for Fox Moraine, providing him C² Legal’s invoices and requesting payment by Fox Moraine. (A copy of the 9/5/07 letter is attached hereto as Exhibit 1.)

Electronic Filing - Received, Clerk's Office, May 1, 2008

5. Because Fox Moraine had not paid, I again wrote to Mr. Mueller on April 24, 2008, providing him the invoices and requesting payment by Fox Moraine. (A copy of the 4/24/08 letter is attached hereto as Exhibit 2.)

6. On May 1, 2008, I spoke with Peter Hill, National Accounting Manager for C² Legal. He told me that the C² Legal invoices in this matter remain unpaid. He confirmed this in an e-mail to me, which is attached as Exhibit 3.

AFFIANT SAYETH FURTHER NOT.

/s/ Leo P. Dombrowski

Dated: May 1, 2008

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, I certify that the statements set forth herein are true and correct.

EXHIBIT E - 1

Electronic Filing - Received, Clerk's Office, May 1, 2008

Wildman, Harrold, Allen & Dixon LLP
225 West Wacker Drive
Chicago, Illinois 60606-1229
312-201-2000
312-201-2555 fax
www.wildmanharrold.com



Wildman Harrold
Attorneys and Counselors

Leo P. Dombrowski
312-201-2562
dombrowski@wildmanharrold.com

September 5, 2007

VIA EMAIL and REGULAR MAIL

George Mueller
Mueller Anderson, P.C.
609 Etna Road
Ottawa, Illinois 61350
george@muelleranderson.com

**Re: Fox Moraine LLC Landfill Siting Appeal
Vendor's Invoices for Preparing Record**

Dear Mr. Mueller:

I enclose four invoices from an outside vendor, C² Legal, whom we hired on behalf of the United City of Yorkville ("Yorkville") to prepare and copy the Record on Appeal, which was filed with the Pollution Control Board (the "Board") on August 30, 2007. The invoices total \$6,282.96.

As the Petitioner "must pay the costs of preparing and certifying the Record to the Board" (35 IAC 107.306), we are forwarding these invoices to you so that Fox Moraine may pay C² Legal directly. It is requested that these invoices be paid within 21 days with a copy of the payment to the undersigned.

As you know, Yorkville moved for relief from certain of the Board's filing requirements, and instead of Yorkville having to prepare and file seven copies of the hearing transcripts and the original and nine copies of all other documents in the Record (35 IAC 107.304(b)), the Board granted Yorkville's motion and required the filing of only the original, two paper copies and one disk of the Record. Yorkville's motion saved Fox Moraine a significant amount of money.

Note that these invoices constitute only a portion of Yorkville's attorney's fees, City staff time and expenses, and, by providing these invoices, Yorkville does not waive its right to invoice Fox Moraine for its remaining expenses, past, present and future, including but not limited to those incurred in preparing and filing the Record.

George Mueller
September 5, 2007
Page 2



Please let me know if you have any questions regarding this.

Very truly yours,

WILDMAN, HARROLD, ALLEN & DIXON LLP

A handwritten signature in black ink that reads "Leo P. Dombrowski". The signature is written in a cursive style with a large, prominent 'L' and 'D'.

Leo P. Dombrowski

LPD:sh
Enclosures

cc: Michael M. Roth



Invoice

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Invoice Number: 0089075-IN
Invoice Date: 8/27/2007

Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	IM198	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
DVD's	42.000	35.000	1,470.00

To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on _____ Card Type: _____

Signature: _____

Date: _____

Invoice Total: 1,470.00

Please pay from this invoice - Terms: net 30 days from invoice date!!



Invoice

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Invoice Number: 0089073-IN
Invoice Date: 8/27/2007

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Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter # 00525-002	Job # IM197	Customer Name Ryan Aldrich	Salesperson Jessie O'Neal
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Item Number	Ordered	Price	Amount
Compact Disc	20.000	15.000	300.00

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Card #:
Expires on
Card Type:

Signature: _____ Date: _____

Invoice Total: 300.00

Please pay from this invoice - Terms: net 30 days from invoice date!!



Invoice

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Invoice Number: 0089074-IN
Invoice Date: 8/27/2007

Sold To:
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225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

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Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	IM-196	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
Blowback of Scanned Images	18,804.000	0.080	1,504.32

To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on _____ Card Type: _____

Signature: _____ Date: _____

Invoice Total: 1,504.32

Please pay from this invoice - Terms: net 30 days from invoice date!



Invoice

Digital Document Management

Invoice Number: 0089096-IN
Invoice Date: 8/27/2007

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	428	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
Blowbacks of Scanned Images	37,608.000	0.080	3,008.64

To pay by credit card please fill in and fax to 312-425-8078

Card #:	
Expires on	Card Type:

Signature: _____ Date: _____

Invoice Total: 3,008.64

Please pay from this invoice - Terms: net 30 days from invoice date!!

EXHIBIT E - 2

Electronic Filing - Received, Clerk's Office, May 1, 2008

Wildman, Harrold, Allen & Dixon LLP
225 West Wacker Drive
Chicago, Illinois 60606-1229
312-201-2000
312-201-2555 fax
www.wildmanharrold.com



Leo P. Dombrowski
312-201-2562
dombrowski@wildmanharrold.com

Wildman Harrold
Attorneys and Counselors

April 24, 2008

VIA EMAIL and REGULAR MAIL

George Mueller
Mueller Anderson, P.C.
609 Etna Road
Ottawa, Illinois 61350
george@muelleranderson.com

**Re: Fox Moraine LLC Landfill Siting Appeal
Vendor's Invoices for Preparing Record**

Dear Mr. Mueller:

By letter dated September 5, 2007, I sent you four invoices from an outside vendor, C² Legal, whom we hired on behalf of the United City of Yorkville ("Yorkville") to prepare and copy the Record on Appeal (copy of the letter and invoices are attached). The invoices total \$6,282.96. They remain unpaid.

As the Petitioner "must pay the costs of preparing and certifying the Record to the Board" (35 IAC 107.306), we request that these invoices be paid by April 30, 2008, with a copy of the payment to the undersigned. If they remain unpaid, we will file a motion to dismiss the appeal with the Board (35 IAC 107.502(b)).

By providing these invoices, Yorkville does not waive its right to invoice Fox Moraine for any remaining expenses, past, present and future, including but not limited to those incurred in preparing and filing the Record.

Very truly yours,

WILDMAN, HARROLD, ALLEN & DIXON LLP

Leo P. Dombrowski

LPD:sh
Enclosures

Electronic Filing - Received, Clerk's Office, May 1, 2008

Wildman, Harrold, Allen & Dixon LLP
225 West Wacker Drive
Chicago, Illinois 60606-1229
312-201-2000
312-201-2555 fax
www.wildmanharrold.com



Wildman Harrold
Attorneys and Counselors

Leo P. Dombrowski
312-201-2562
dombrowski@wildmanharrold.com

September 5, 2007

VIA EMAIL and REGULAR MAIL

George Mueller
Mueller Anderson, P.C.
609 Etna Road
Ottawa, Illinois 61350
george@muelleranderson.com

**Re: Fox Moraine LLC Landfill Siting Appeal
Vendor's Invoices for Preparing Record**

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As you know, Yorkville moved for relief from certain of the Board's filing requirements, and instead of Yorkville having to prepare and file seven copies of the hearing transcripts and the original and nine copies of all other documents in the Record (35 IAC 107.304(b)), the Board granted Yorkville's motion and required the filing of only the original, two paper copies and one disk of the Record. Yorkville's motion saved Fox Moraine a significant amount of money.

Note that these invoices constitute only a portion of Yorkville's attorney's fees, City staff time and expenses, and, by providing these invoices, Yorkville does not waive its right to invoice Fox Moraine for its remaining expenses, past, present and future, including but not limited to those incurred in preparing and filing the Record.

George Mueller
September 5, 2007
Page 2



Please let me know if you have any questions regarding this.

Very truly yours,

WILDMAN, HARROLD, ALLEN & DIXON LLP


Leo P. Dombrowski

LPD:sh
Enclosures

cc: Michael M. Roth



Invoice

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Invoice Number: 0089075-IN

Invoice Date: 8/27/2007

Sold To:

Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:

C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	IM198	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
DVD's	42,000	35.000	1,470.00

To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on
Card Type:

Signature: _____

Date: _____

Invoice Total:

1,470.00

Please pay from this invoice - Terms: net 30 days from invoice date!!



Invoice

Invoice Number: 0089073-IN
Invoice Date: 8/27/2007

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

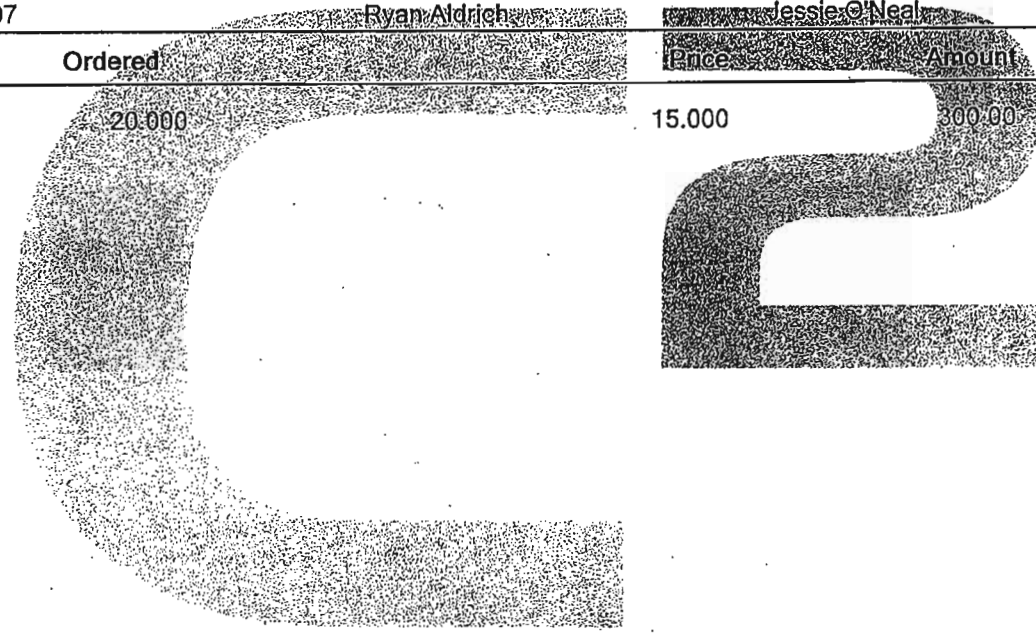
Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	IM197	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
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Compact Disc	20.000	15.000	300.00
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To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on
Card Type:

Signature: _____ Date: _____

Invoice Total: 300.00

Please pay from this invoice - Terms: net 30 days from invoice date!!



Invoice

Invoice Number: 0089074-IN
Invoice Date: 8/27/2007

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter # 00525-002	Job # IM-196	Customer Name Ryan Aldrich	Salesperson Jessie O'Neal
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Item Number	Ordered	Price	Amount
Blowback of Scanned Images	18,804,000	0.080	1,504.32

To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on
Card Type:

Signature: _____ Date: _____

Invoice Total: 1,504.32

Please pay from this invoice - Terms: net 30 days from invoice date!!



Invoice

Digital Document Management

20 N Clark Street, STE 300
Chicago, IL 60602
(312)425-8066 Phone
(312)425-8078 Fax

Invoice Number: 0089096-IN
Invoice Date: 8/27/2007

Sold To:
Wildman Harrold
225 W. Wacker Dr.
Suite 3000
Chicago, IL 60606

Remit to:
C2 Legal of Illinois LLC
20 N Clark St. Suite 300
Chicago, IL 60602-4192
Tax ID: 75-2705044

Client Matter #	Job #	Customer Name	Salesperson
00525-002	428	Ryan Aldrich	Jessie O'Neal

Item Number	Ordered	Price	Amount
Blowbacks of Scanned Images	37,608,000	0.080	3,008.64

To pay by credit card please fill in and fax to 312-425-8078

Card #:
Expires on
Card Type:

Signature: _____

Date: _____

Invoice Total: _____

3,008.64

Please pay from this invoice - Terms: net 30 days from invoice date!!

EXHIBIT E - 3

Electronic Filing - Received, Clerk's Office, May 1, 2008**Dombrowski, Leo**

From: Peter Hill [peter.hill@c2legal.com]**Sent:** Thursday, May 01, 2008 11:31 AM**To:** Dombrowski, Leo**Subject:** Outstanding Invoices

As of May 1 2008 at 11:30 am the outstanding invoices related to the United City of Yorkville matter has not been paid and are seriously past due.

Peter M. Hill**National Accounting Manager**

Copy Corps of Illinois

dba **C2 Legal of Illinois**

Ph: 312-252-5303

Fax: 312-425-8078

E-Mail peter.hill@c2legal.com

CERTIFICATE OF SERVICE

I, Susan Hardt, a non-attorney, certify that I served a copy of the foregoing **United City of Yorkville's Motion to Dismiss**, on all Counsel of Record and the Hearing Officer, listed on the attached Service list, via e-mail on May 1, 2008, before 5:00 p.m.

s/ Susan Hardt

- [x] Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP. 110 – SEC 1-109, I certify that the statements set forth herein are true and correct.

Electronic Filing - Received, Clerk's Office, May 1, 2008

Fox Moraine, LLC v. United City of Yorkville, City Council
PCB No. 07-146

SERVICE LIST

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