

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

FOX MORaine, LLC	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 07- 146
	)	
UNITED CITY OF YORKVILLE,	)	
CITY COUNCIL	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on this 26th day of September, 2008, George Mueller, one of the attorneys for Petitioner, Fox Moraine, LLC, filed via electronic filing of the attached **Fox Moraine's Exhibit List and Fox Moraine's Witness List** with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

FOX MORaine, LLC

By: /s/ George Mueller  
One of its Attorneys

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**Electronic Filing - Received, Clerk's Office, October 1, 2008**

*Fox Moraine, LLC v. United City of Yorkville*  
*PCB No. 07-146*  
SERVICE LIST

PCB 2007-146  
Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
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PCB 2007-146  
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PCB 2007-146  
James B. Harvey  
Buck, Hutchison & Ruttler  
2455 Glenwood Avenue  
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PCB 2007-146  
Ms Valerie Burd, Mayor  
City of Yorkville  
800 Game Farm Road  
Yorkville, IL 60560

PCB 2007-146  
Michael Roth, Interim City Attorney  
City of Yorkville  
800 Game Farm Road  
Yorkville, IL 60560

PCB 2007-146  
Eric Weis  
Kendall County State's Attorney  
Kendall county Courthouse  
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PCB 2007-146  
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**CERTIFICATE OF SERVICE**

I, Sharon Twardowski, a non-attorney, certify that I served a copy of the foregoing **Notice of Filing** and **Fox Moraine's Witness List and Fox Moraine's Exhibit List** to the Hearing Officer and all Counsel of Record listed on the attached Service list, by sending it via Electronic Mail on September 26, 2008, before 5:00 p.m.

/s/ Sharon Twardowski

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

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	)	
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**FOX MORaine'S EXHIBIT LIST**

NOW COMES Fox Moraine, LLC, ("Fox Moraine"), by one of its attorneys, and discloses the following exhibit list:

1. All documents tendered in discovery to City of Yorkville.
2. All documents received from the City of Yorkville in discovery.
3. Wildman, Harrold, Allen and Dixon invoice of June 17, 2007.
4. Deposition of Valerie Burd.
5. Deposition of Rose Spears.
6. Deposition of Joe Plocher.
7. Deposition of Marty Munns.
8. Deposition of Jason Leslie.
9. Deposition of Walter Werderich.
10. Minutes of city council, city council committee of whole and plan commission meetings on September 25, 2006, September 26, 2006, September 27, 2006, October 3, 2006, October 10, 2006, October 17, 2006, October 24, 2006, October 26, 2006, October 30, 2006, November 7, 2006, November 13, 2006, November 14, 2006, November 21, 2006, November 28, 2006, November 30, 2006,

**Electronic Filing - Received, Clerk's Office, October 1, 2008**

December 5, 2006, December 9, 2006, December 12, 2006, December 19, 2006,  
December 26, 2006, January 2, 2007, January 9, 2007, January 16, 2007, January  
23, 2007, February 6, 2007 and February 13, 2007.

11. Transcripts of all the meetings identified in Paragraph 10.
12. Video tapes of all the meetings identified in Paragraph 10.
13. Invoices of Depo Court Reporting.
14. Invoices of Diane Oakley.
15. Pleadings in PCB 08-95.
16. Pleadings in PCB 08-96.

Respectfully submitted,  
FOX MORaine, LLC

By:           /s/George Mueller            
          One of its attorneys

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	)	
Respondent.	)	

**FOX MORaine'S WITNESS LIST**

NOW COMES Fox Moraine, LLC, ("Fox Moraine"), by one of its attorneys, and lists the following individuals which they intend to call as witnesses:

1. Larry Clark
2. Michael Roth
3. Todd Miliron
4. George Gilson
5. Valerie Burd
6. Rose Spears
7. Wally Werderich
8. Arden Plocher
9. Marty Munns
10. Jason Leslie
11. Robyn Sutcliffe
12. Gary Golinski
13. Heather Gillers
14. Joseph Besco
15. Charlie Murphy
16. Jesse Varsho
17. Don Hamman
18. Devin Moose
19. Jim Burnham
20. Brendon McLaughlin
21. Christine Vitosh

- 22. Marlys Young
- 23. Derke Price
- 24. Diane Oakley
- 25. Teri Grandchamp

Respectfully submitted,

FOX MORaine, LLC

By:           /s/George Mueller            
One of its attorneys

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