

FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD
33 West Monroe Street | Suite 2300 | Chicago, Illinois 60603
Tel: (312) 270-6800 | Fax: 312.701.6801 | www.fvldlaw.com

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STATE OF ILLINOIS
Pollution Control Board

Facsimile Transmittal

Date:
4/20/2009 3:12:38 PM

To (Name, Firm):
George Mueller
Mueller Anderson PC

From:
Susan Lastowski

FVLD

Re: Fox Moraine v. Yorkville, IL PCB No. 07-146

Comments:

Please see the attached, which has been sent to you at the request of Damon Dunn.

Susan D. Lastowski | Administrative Assistant

Wilson P. Funkhouser
Damon E. Dunn

FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD
55 West Monroe, Suite 2300 | Chicago, IL 60603
V: 312.701.6826 | F: 312.701.6801
slastowski@fvldlaw.com | www.fvldlaw.com

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FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD.
55 West Monroe Street | Suite 2000 | Chicago, Illinois 60603
TEL: 312.701.6800 | FAX: 312.701.6801 | www.fvldlaw.com

FVLD

April 20, 2009

Damon E. Dunn
312.701.6825
ddunn@fvldlaw.com

VIA FACSIMILE TO (815) 431-1501

George Mueller, Esq.
Mueller Anderson, P.C.
609 Etna Road Ottawa, Illinois 61350

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

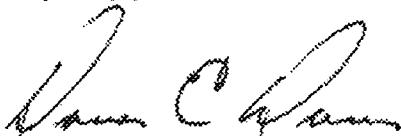
Dear Mr. Mueller:

The Aurora Beacon News referred to me a copy of a subpoena issued in the above referenced matter, apparently at your request. The subpoena was left at the newspaper but is directed to Heather Gillers. I was asked to advise you that Ms. Gillers is a former employee of the newspaper and it therefore appears that service of process was not made on Ms. Gillers. Moreover, Ms. Gillers was employed by the newspaper as a reporter and the subpoena is not accompanied by a court order as required by the Illinois Reporters Privilege Act. Finally, the newspaper is not authorized to waive any right or privilege on its former reporter's behalf, including those afforded by the Reporter Privilege, First Amendment, Illinois Code of Civil Procedure, and applicable rules and common law doctrines protecting the journalistic process. Unless otherwise directed by you, the newspaper therefore will destroy the check payable to Ms. Gillers that accompanied the subpoena.

As an accommodation, however, I am also authorized to advise you that the newspaper itself does not have in its possession any "campaign literature" relevant to the matter under consideration.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



Damon E. Dunn

DED/sdl