

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SCOTT MAYER )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 LINCOLN PRAIRIE WATER COMPANY, )  
 KORTE & LUITJOHAN CONTRACTORS, )  
 INC., and, MILANO & GRUNLOH )  
 ENGINEERS, LLC, )  
 )  
 Respondents. )

**ORIGINAL**  
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 PCB No. 2011-022

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**AUG 01 2012**

**STATE OF ILLINOIS**  
**Pollution Control Board**

MOTION FOR ORDER COMPELLING RESPONDENT TO ANSWER  
INTERROGATORIES

Now comes the Complainant, Scott Mayer, by his Attorney, F. James Roytek, III of Roytek, Ltd. and as his Motion for Order Compelling Respondent to Answer Interrogatories, states as follows:

1. On February 6, 2012, Complainant, Scott Mayer, propounded Supplemental Interrogatories Directed to Respondent, Korte & Luitjohan Contractors, Inc., a copy of which is attached hereto and marked "Complainant's Exhibit 1".

2. Attached hereto and marked "Complainant's Exhibit 2" is a copy of Answers to Supplemental Interrogatories to Korte & Luitjohan Contractors, Inc.

3. The expert witness for the Complainant has advised Complainant, that removing the contaminated soil from the trench in which the water line is located will involve the destruction of the water line.

4. The simplest and most cost effective manner to determine the cost of replacing the water line would be to have the Respondent, Korte and Luitjohan Contractors, Inc. provide that information.

Wherefore, Petitioner prays that this Court will enter an Order directing Respondent, Korte and Luitjohan Contractors, Inc., to provide such information as is sought in Supplemental Interrogatories Directed to Respondent, Korte & Luitjohan Contractors, Inc., by a date certain.

Dated: July 29, 2012.

SCOTT MAYER, Complainant

ROYTEK, LTD.

  
\_\_\_\_\_  
F. JAMES ROYTEK, III, Attorney  
for SCOTT MAYER

F. James Roytek, III  
Roytek, Ltd.  
921 Broadway  
P.O. Box 746  
Mattoon, IL 61938-0746

Telephone: 217/234-3132

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SCOTT MAYER )  
 )  
 Complainant, )  
 )  
 v. ) PCB No. PCB 11-22  
 ) (Citizens Enforcement Land)  
 LINCOLN PRAIRIE WATER COMPANY, )  
 KORTE & LUITJOHAN CONTRACTORS, )  
 INC., and, MILANO & GRUNLOH )  
 ENGINEERS, LLC, )  
 )  
 Respondents. )

SUPPLEMENTAL INTERROGATORIES DIRECTED TO RESPONDENT,  
KORTE & LUITJOHAN CONTRACTORS, INC.

Now come the Complainant, Scott Mayer, by his Attorney, F. James Roytek, III of Roytek, Ltd., and as his Supplemental Interrogatories Directed to Respondent, Korte & Luitjohan, Contractors, Inc., states as follows:

1. State the full name of the individual answering these interrogatories on behalf of Korte & Luitjohan, Contractors, Inc., as well as current residence address, date of birth and capacity in which the individual acts on behalf of Korte & Luitjohan, Contractors, Inc..

Answer:

2. State the amount charged by Korte & Luitjohan, Contractors, Inc. for trenching and laying the waterline across the Mayer real estate in question.

Answer:

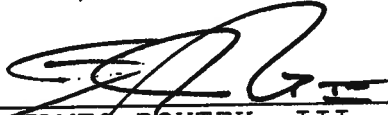
3. Of the amount charged for trenching and laying waterline across the aforesaid Mayer real estate, please state the dollar amount attributable to trenching and filling the trench after the waterline had been put in place.

Answer:

Dated: February 6, 2012.

SCOTT MAYER, Complainant

ROYTEK, LTD.

  
\_\_\_\_\_  
F. JAMES ROYTEK, III, Attorney  
for SCOTT MAYER

F. James Roytek, III  
Roytek, Ltd.  
921 Broadway  
P.O. Box 746  
Mattoon, IL 61938-0746

Telephone: 217/234-3132

06405-R7018  
JKG/njk

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SCOTT MAYER	)	
	)	
Complainant,	)	
	)	
vs.	)	BCP No. PCB 11-22
	)	(Citizens Enforcement Land)
LINCOLN PRAIRIE WATER COMPANY,	)	
KORTE & LUITJOHAN CONTRACTORS, INC.,	)	
and MILANO & GRUNLOH ENGINEERS, LLC.	)	
	)	
Respondents.	)	

**ANSWERS TO SUPPLEMENTAL INTERROGATORIES TO KORTE & LUITJOHAN  
CONTRACTORS, INC.**

1. State the full name of the individual answering these interrogatories on behalf of Korte & Luitjohan, Contractors, Inc., as well as current residence address, date of birth and capacity in which the individual acts on behalf of Korte & Luitjohan, Contractors, Inc.

**Answer:** Objection, irrelevant, and unlikely to lead to the discovery of admissible evidence.

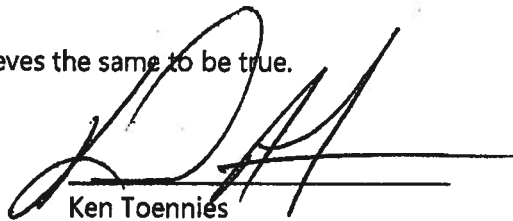
2. State the amount charged by Korte & Luitjohan, Contractors, Inc. for trenching and laying the waterline across the Mayer real estate in question.

**Answer:** Objection, irrelevant, and unlikely to lead to the discovery of admissible evidence.

3. Of the amount charged for trenching and laying waterline across the aforesaid Mayer real estate, please state the dollar amount attributable to trenching and filling the trench after the waterline had been put in place.

**Answer:** Objection, irrelevant, and unlikely to lead to the discovery of admissible evidence.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Ken Toennies

CERTIFICATE OF SERVICE

The undersigned certifies that on July 29, 2012, he served upon the following:

Milano & Grunloh Engineers, LLC  
c/o Mr. Kirk A. Holman  
Livingston, Barger, Brandt & Schroeder  
Attorneys at Law  
P.O. Box 3457  
Bloomington, IL 61702-3457;

Lincoln Prairie Water Company  
c/o Mr. Jerry McDonald  
Campbell, Black, Carnine, Hedin,  
Ballard & McDonald, P.C.  
Attorneys at Law  
P.O. Drawer C  
Mt. Vernon, IL 62864; and,

Korte & Luitjohan Contractors, Inc.  
c/o Mr. Keith E. Fruehling  
Heyl, Royster, Voelker & Allen  
P.O. Box 129  
Urbana, IL 61803-0129,

a copy of the aforesaid Motion for Order Compelling Respondent to Answer Interrogatories, by depositing true copies thereof in a United States Post Office Box, enclosed in an envelope, plainly addressed to the above-named persons, at the above addresses, with postage fully prepaid.



F. JAMES ROYTEK, III

THE LAW OFFICE OF  
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[RoytekLtd@mchsi.com](mailto:RoytekLtd@mchsi.com)  
[Royteklaw.com](http://Royteklaw.com)

July 29, 2012

Pollution Control Board, Attn: Clerk  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, IL 60601-3218

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AUG 01 2012

STATE OF ILLINOIS  
Pollution Control Board

Re: Scott Mayer v. Lincoln Prairie Water Company, et al.  
PCB No.: 2011-022  
RL 10551

Dear Clerk:

Enclosed please find original and ten copies of Motion for Order Compelling Respondent to Answer Interrogatories. Please file the original and return one file-stamped copy in the enclosed self-addressed envelope which has postage affixed.

Thank you for your assistance.

Sincerely,



F. James Roytek, III

FJR:dg  
cc: Honorable Carol Webb  
Mr. Jerome E. McDonald  
Mr. Kirk A. Holman  
Mr. Keith E. Fruehling  
enc.

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