

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

ABEL INVESTMENTS, LLC,)	
Petitioner,)	
v.)	PCB 2016-108
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

TO:	Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 N. Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274 (Carol.Webb@illinois.gov)	Melanie Jarvis Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276 (Melanie.Jarvis@illinois.gov)
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PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, SIGNED AFFIDAVIT OF PATRICK D. SHAW, copies of which are herewith served upon the above persons.

The undersigned hereby certifies that I have served this document by e-mail upon the above persons at the specified e-mail address before 5:00 p.m. on the 27th of January, 2017. The number of pages in the e-mail transmission is 3 pages.

ABEL INVESTMENTS, LLC

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw
Law Office of Patrick D. Shaw
80 Bellerive Road
Springfield, IL 62704
217-299-8484
pdshaw1law@gmail.com

THIS FILING SUBMITTED ON RECYCLED PAPER

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ABEL INVESTMENTS, LLC,)	
Petitioner,)	
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v.)	PCB 2016-108
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

**AFFIDAVIT OF PATRICK D. SHAW
VERIFYING ATTORNEY FEES**

Affiant, Patrick D. Shaw, being first duly sworn, states as follows:

1. The statements made herein are based upon my personal knowledge, and I am competent to testify hereto.

2. I am an attorney duly licensed to practice law in the State of Illinois; and I am the attorney of record for Petitioner in the case entitled Abel Investments, LLC v. IEPA, PCB 2016-108.

3. Attached hereto as Exhibit A is a printouts from my bookkeeping software detailing legal defense costs incurred in this matter. At all times relevant hereto my hourly rate has been \$200 per hour, which is the regular and ordinary billing rate charged all of my clients. I am generally familiar with the hourly rates of environmental attorneys practicing in Springfield, Illinois and before the Board, and believe this rate to be comparable, if not less, than other such attorneys.

4. The legal work involved in this appeal was customary to other appeals, with the


exception that there was more testimony, requiring more witness and hearing preparation. In reviewing the bills, the only entries that may require explanation are two involving Board decisions issued during the pendency of this appeal (July 25, 2016 and September 23, 2016), for which I wrote e-mails regarding their potential applicability. Both Board decisions were cited in my post-hearing briefs.

6. Exhibit A identifies the legal work performed and the attorney's fees incurred in this matter. It reveals the date the work was performed, the description of the work performed, the amount of time spent, and the total fees incurred. Filing fees, postage and photocopying charges are also identified.

7. The legal defense costs incurred in seeking payment for corrective action herein total \$13,519.37, consisting of \$13,440.00 in attorney-time, and \$79.37 in costs.

FURTHER AFFIANT SAYETH NOT.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 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.


Patrick D. Shaw