

**BEFORE THE POLLUTION CONTROL BOARD**

<b>Michael J. Korman</b>	)	
	)	
<b>Complainant,</b>	)	
	)	<b>CASE NO. PCB 2021-6</b>
<b>v.</b>	)	
	)	
<b>GW Glenview, L.L.C.</b>	)	
	)	
<b>Respondent.</b>	)	
	)	
	)	
	)	

**NOTICE OF FILING**

**To:**

Michael J. Korman  
2306 Sundrop Drive  
Glenview, Illinois, 60026

PLEASE TAKE NOTICE that on September 25, 2020, we have filed with the Office of the Clerk of the Pollution Control Board, the attached **Second Reply to Response to Motion to Dismiss Frivolous Complaint.**

**JAFFE & BERLIN, L.L.C.**

*Attorneys for Respondent*

/s/ Jay S. Berlin

Jay S. Berlin, Esq. (jberlin@jaffeberlin.com)  
Shawn C. Clancy, Esq. (sclancy@jaffeberlin.com)  
JAFFE & BERLIN, LLC  
111 W. Washington, Suite 900  
Chicago, IL 60602  
(312) 372-1550

**PROOF OF SERVICE**

Jay S. Berlin deposes and states that he has served a copy of the foregoing documents upon all parties named above by e-mail and regular mail on the 25<sup>th</sup> day of September, 2020.

/s/ Jay S. Berlin

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<b>Complainant,</b>	)	
	)	<b>CASE NO. PCB 2021-6</b>
<b>v.</b>	)	
	)	
<b>GW Glenview, LLC,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	
	)	

**SECOND REPLY TO RESPONSE TO MOTION TO DISMISS COMPLAINT**

NOW COMES the Respondent, GW Glenview, LLC (“GW”) by and through its attorneys, Jaffe & Berlin, LLC, and for its Second Reply to the Response of Michael Korman to the Motion to Dismiss the Complaint filed by Michael J. Korman on September 3, 2020 (“Response”), hereby states as follows:

GW moved this Board for dismissal of the instant Complaint on the grounds that it is frivolous as it fails to state a cause of action upon which the Board can grant relief. This latest filing by Mr. Korman should be stricken and disregarded by this body. The only affidavit provided by Mr. Korman is to his illegally flying a drone in the airspace above and contiguous with GW’s property and explicitly without GW’s permission. Mr. Korman then makes three (3) pages of argument, absolutely none of it supported by affidavit, and almost all of it irrelevant to the instant proceeding. Accordingly, the Response should be stricken and disregarded.

GW has properly applied for all required permits and approvals from the IEPA and MWRD. Mr. Korman seeks to substitute his judgment for the governing regulatory authorities based exclusively on hearsay and inaccurate information. GW complied with every step in the regulatory and approval process; timely submitted its permit applications and drawings to Glenview and the IEPA and MWRD. Glenview’s Board made comments and recommendations that caused the drawings to be changed, and GW notified IEPA and MWRD. GW was never

notified by any of these governmental authorities that it had failed to properly comply with any of their guidelines or standards.

In an effort not to put too much paper before this tribunal, GW wants to highlight one final point. Mr. Korman spends nearly the last full page of the Response hammering GW for its incorrect figures entered into the IEPA database. Again, this establishes Mr. Korman's incorrect information which he is now improperly relying upon. Per the previous submissions provided by GW, GW provided correct information to IEPA and it is IEPA and NOT GW who is responsible for the data entry of the information. Please see Exhibit A attached hereto which is an e-mail exchange between GW's engineer and Melissa Parrott from the IEPA. Ms. Parrott confirms that it is an issue with IEPA's website, and they are in the process of correcting. With all of the information provided in the briefs on behalf of GW, it can be reasonably established that the governing bodies have all acted properly along with GW in this process and that Mr. Korman's frivolous complaint should be dismissed with prejudice.

For these reasons stated herein, the Board should dismiss this Complaint as frivolous and for any other or further relief that the Board deems appropriate.

Respectfully Submitted,

Jaffe & Berlin, LLC

By: /s/ Jay S. Berlin

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**Jay Berlin**

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**From:** Mark Chertow <markc@designstudio24.com>  
**Sent:** Tuesday, September 22, 2020 10:48 AM  
**To:** EPA.Constlr10swppp  
**Cc:** Jay Berlin; Mitch Goltz  
**Subject:** RE: NPDES Permit No: ILR10BF09

Melissa, no problem. Thank you for your clarification.

Mark

**From:** Parrott, Melissa <Melissa.Parrott@Illinois.gov> **On Behalf Of** EPA.Constlr10swppp  
**Sent:** Monday, September 21, 2020 2:48 PM  
**To:** Mark Chertow <markc@designstudio24.com>  
**Subject:** RE: NPDES Permit No: ILR10BF09

Mark, our section of the application for those items is not working that is why those coordinates are in there, we are switching over to a new system shortly so that will no longer be a problem – sorry about that. Thanks.

**From:** Mark Chertow <markc@designstudio24.com>  
**Sent:** Thursday, September 17, 2020 11:50 AM  
**To:** EPA.Constlr10swppp <EPA.Constlr10swppp@Illinois.gov>  
**Cc:** Jay Berlin <jberlin@jaffeberlin.com>; Mitch Goltz <mitch@gwproperties.com>  
**Subject:** [External] RE: NPDES Permit No: ILR10BF09

Terri, it has come to our attention that the referred to project was not entered correctly in the IEPA's data base. Coordinates along with Section, Township & Range needs to be updated per the NOI application that was submitted.

Thank you for looking into it.

Regards,

Mark Chertow, PE  
312-502-0570

Exhibit  
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