

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 08 2015

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
BLICK'S CONSTRUCTION CO., INC.,)
an Illinois Corporation, and)
RON BRICKER,)
)
Respondents.)

PCB No. 2013-043
(Enforcement-Air)

 ORIGINAL

TO: The People of the State of Illinois
Nancy J. Tikalsy
Office of the Illinois Attorney General
Environmental Bureau
69 West Washington St., Ste. 1800
Chicago, IL 60602

Thomas D. Lupo
Hinshaw & Culbertson, LLP
222 North LaSalle St.
Suite 300
Chicago, IL 60601

RESPONDENT'S INTERROGATORIES TO COMPLAINANT

NOW COMES the Respondent, RON BRICKER, by Blickhan, Timmerwilke & Woodworth, his attorneys, and submits to the Complainant, The People of the State of Illinois, acting for and on behalf of the Illinois Pollution Control Board, the following Interrogatories:

INTERROGATORIES

Interrogatory No. 1: Identify each person who supplied information for answers to these interrogatories and further state for which interrogatories each person so identified supplied information.

Answer:

Interrogatory No. 2: Identify all agents, employees, representatives and consultants to your knowledge who visited, entered or investigated on behalf of the People those allegations as

set forth in the Complaint in this cause giving the person's name, address and title.

Answer:

Interrogatory No. 3: Identify based upon your investigation, all persons having control or authority to control the removal of ACM, demolition of the facility and access to the facility as alleged in the Complaint. Describe that authority, dates and authority that was exercised and all communications relative to the exercise of said authority.

Answer:

Interrogatory No. 4: Identify each person possessing or having access to a key or any other device to enter the facility. Describe the location of each lock that each key operated and for each person possessing a key or other device, identify from each person from whom the key was obtained, the date received and the date of possession or relinquishment of the key and to whom.

Answer:

Interrogatory No. 5: State the full names and addresses of each person who witnessed or claims to have witnessed the occurrences as alleged in your Complaint.

Answer:

Interrogatory No. 6: State the full name of each person not named in the previous interrogatory who was present or claims to have been present at the scene of the facts as alleged in your Complaint, immediately before, at the time of or immediately after the occurrence as alleged.

Answer:

Interrogatory No. 7: State as best you can the date of the violations as alleged in the Complaint, the person or persons who directly or indirectly committed the acts as alleged in your Complaint.

Answer:

Interrogatory No. 8: State if the People, through It's agents, investigators and attorneys have taken statements from any individuals concerning the allegations of the Complaint and if so, give the date of the statement, from whom the statement was taken and who has possession of the statement.

Answer:

Interrogatory No. 9: State if you have any photographs in your possession concerning the allegations stated in your Complaint. If so, state how many photographs you have, where they are located and if they are available for production.

Answer:

Interrogatory No. 10: State the names and addresses of all witnesses that you intend to call as expert witnesses in the trial in this cause and the name and addresses of any other witnesses you intend to call concerning the allegations as stated in the Complaint.

Answer:

Interrogatory No. 11: State the names and addresses of any consulting experts that you have consulted with concerning the allegations of the Complaint.

Answer:

RON BRICKER, Respondent,

By: _____

One of His Attorneys

Gerald L. Timmerwilke
BLICKHAN, TIMMERWILKE & WOODWORTH
226 North Sixth Street
Quincy, IL 62301
(217) 221-4200

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222 North LaSalle St.
Suite 300
Chicago, IL 60601

RESPONDENT'S REQUEST FOR PRODUCTION

You are hereby requested to produce the following to the Respondent, pursuant to Illinois Supreme Court Rule 214, at the law offices of Blickhan, Timmerwilke & Woodworth, 226 N. Sixth Street, Quincy, Illinois, within twenty-eight (28) days after your receipt of this request together with your Affidavit as to whether such production is complete and in accordance with this Request.

You are further requested to seasonally supplement your responses to this Request as required under Illinois Supreme Court Rule 214.

DEFINITIONS

"Document: is meant to include any written, graphic, photographic or sound-recorded information, notice or material, whether originals or copies. It includes, but is not limited to, all writings or other recorded or graphic matter, of any nature of kind whatsoever, including, without

limitation, any correspondence, letters, cables, telegrams, or other communications, personal or office diaries, journals, travel records, expense account records, ledgers, accounts, book, office or personal and/or typewritten memoranda or notes, telephone records or logs or bills or memoranda, bank statements or other bank records, canceled checks or check stubs, receipts, notes, notations, memoranda, file cards, tape recordings, tapes, computer input or output, photographs, charts, listings, schedules, graphs, forms, data, compilations, worksheets, invoices, bill, contracts, agreements, forms, memorials, information, plans specification, periodicals, pamphlets, reports, records, studies and any other written, recorded (sound or video), transcribed, punches, taped, filmed or graphic matter, whoever produced or reproduced. "Document" also means all drafts and non-identical copies of any of the foregoing. "Document" also means documents in your possession or in the possession of your attorneys, agents and employees, excepting those documents that are withheld under a claim of privilege as disclosed as indicated under the instructions for "PRIVILEGED DOCUMENTS" below.

"Interrogatory" and/or "Interrogatories" means and refers to Plaintiff' First Interrogatories to the Defendant submitted to you simultaneous with this First Request for Production.

"Occurrence" means the incident wherein Plaintiff allegedly fell and injured herself as referenced in the Complaint.

"You", "Your", and "Plaintiff" means and refers to Beverly Gable.

DOCUMENTS WHICH HAVE BEEN DESTROYED

If any document sought by these Requests has been destroyed, and no copy exists within your possession, custody or control, identify the document, the date of its destruction, the reason for its destruction, and the person responsible for ordering its destruction.

PRIVILEGED DOCUMENTS

Documents requested to be produced that you believe may be withheld on the grounds of either privilege or work product should be listed with a brief description of each document, and a statement of the basis for withholding the document.

You are requested to produce the following:

1. All statements that you have in your possession taken by any party or any agents on behalf of yourself or any other persons concerning the allegations of the Complaint.
2. All statements taken of any other witnesses who have knowledge of or who have been interviewed concerning the allegations in the Complaint.
3. All photographs, slides or motion pictures of party or other physical objects involved in the occurrence or of the scene of the occurrence that were taken prior to or subsequent to the occurrence, indicating the dates thereon.
4. A list of the names, addresses and speciality of each expert witness.
5. All written reports or memorandum of any investigations done of the occurrence alleged in the Plaintiff's Complaint.
6. All written statements of stenographic transcriptions or oral statement of any party obtained by any attorney or agent or any other person acting on behalf of the Defendant, except those statements given by a party to his attorney or insurer.
7. All communication or correspondence between any parties or any witnesses

concerning the allegations of the Complaint, including any social media messages, text messages, emails or filing.

RON BRICKER, Respondent,

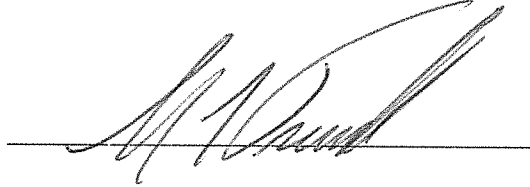
By: 

One of His Attorneys

Gerald L. Timmerwilke
BLICKHAN, TIMMERWILKE & WOODWORTH
226 North Sixth Street
Quincy, IL 62301
(217) 221-4200

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the 31st day of July, 2015, Respondent's Interrogatories to Complainant and Respondent's Request for Production were forwarded to Nancy J. Tikalsy, Office of the Illinois Attorney General, Environmental Bureau, 69 West Washington St., Ste. 1800, Chicago, IL 60602 and to Thomas D. Lupo, Hinshaw & Culbertson, LLP, 222 North LaSalle Street, Suite 300, Chicago, IL 60601, via First-Class Mail, postage prepaid.

A handwritten signature in black ink, appearing to read "G. L. Timmerwilke", is written over a horizontal line.

Gerald L. Timmerwilke
Blickhan, Timmerwilke & Woodworth
226 North Sixth Street
Quincy, IL 62301
(217) 221-4200