

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHICAGO COKE CO., INC., an Illinois)	
corporation,)	
)	
Petitioner,)	
)	PCB 10-75
v.)	(Permit Appeal--Air)
)	
THE ILLINOIS ENVIROMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Counsel of Record
(See attached Service List.)

PLEASE TAKE NOTICE that on this 10th day of June, 2013, the following was filed electronically with the Illinois Pollution Control Board: **Chicago Coke Co., Inc.'s Motion to Modify Board Order to Award Costs and Attorney's Fees**, which is attached and herewith served upon you.

CHICAGO COKE CO., INC.

By: s/Elizabeth S. Harvey
One of its attorneys

Michael J. Maher
Elizabeth Harvey
SWANSON, MARTIN & BELL, LLP
330 North Wabash, Suite 3300
Chicago, Illinois 60611
Telephone: (312) 321-9100

CERTIFICATE OF SERVICE

I, the undersigned, state that a copy of the above-described document was served electronically upon all counsel of record on June 10, 2013.

s/Elizabeth S. Harvey

7012-002

SERVICE LIST

**Chicago Coke Co., Inc. v. Illinois Environmental Protection Agency and
Natural Resources Defense Council and Sierra Club**

PCB 10-75

(Permit Appeal -- Air)

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Natural Resources Defense Council
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHICAGO COKE CO., INC., an Illinois)	
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THE ILLINOIS ENVIROMENTAL)	
PROTECTION AGENCY,)	
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Respondent,)	
)	
)	
NATURAL RESOURCES DEFENSE)	
COUNCIL, and SIERRA CLUB,)	
)	
Intervenors.)	

MOTION TO MODIFY BOARD ORDER TO AWARD COSTS
AND ATTORNEY'S FEES

Petitioner CHICAGO COKE CO., INC. ("Chicago Coke"), by its attorneys Swanson, Martin & Bell, LLP, moves this honorable Board to modify its May 2, 2013 order granting Chicago Coke's motion for summary judgment. This motion is brought pursuant to Section 101.520 of the Board's procedural rules.¹ (35 Ill. Adm. Code 101.520.)

Pursuant to Section 10-55(c) of the Illinois Administrative Procedure Act, Chicago Coke moves the Board to award Chicago Coke its reasonable costs, including attorney fees, of this successful action. Section 10-55(c) of the Illinois Administrative Procedure Act provides that a private party is entitled to recover reasonable expenses of litigation

¹ Chicago Coke received the Board's order on May 6, 2013. This motion to modify is timely, pursuant to Section 101.520(a).

(including attorney's fees) when that party succeeds in having an administrative rule invalidated. 5 ILCS 100/10-55(c). Pursuant to controlling provisions of Illinois' Administrative Procedure Act, this Board must award Chicago Coke its fees and costs.

INTRODUCTION

Chicago Coke appealed the Illinois Environmental Protection Agency's (IEPA) decision that Chicago Coke's emission reduction credits (ERCs) were not available. Chicago Coke moved for summary judgment, arguing that IEPA had applied an unpromulgated and invalid rule to find that Chicago Coke's ERCs were invalid. On May 2, 2013, the Board agreed and granted summary judgment in favor of Chicago Coke.

Among other findings, the Board determined that IEPA's "five-year limitation" is invalid. The Board found:

[T]he Board finds that IEPA's policy is not an interpretation of statutory language applying to a single source. IEPA states that this is a policy applied to all sources. Clearly IEPA has a policy of general applicability, which has not been adopted under the provisions of the IAPA. Therefore, the Board finds that IEPA's five-year guideline is invalid.

May 2, 2013 opinion, p. 29 (emphasis added).

"IEPA's five-year guideline is invalid as it has not been properly promulgated as a rule by either IEPA or the Board.

May 2, 2013 opinion, p. 31 (emphasis added).

The Board found that Chicago Coke properly established that its ERCs are valid; thereafter, the Board granted Chicago Coke's motion for summary judgment.²

ARGUMENT

Section 10-55(c) of the Administrative Procedure Act *requires* an award of expenses, include attorney's fees, to a party who has an administrative rule invalidated

² The Board denied the cross-motions for summary judgment filed by IEPA and by NRDC.

for any reason. That section provides:

In any case in which a party has any administrative rule invalidated by a court for any reason, including but not limited to...the agency's failure to follow statutory procedures in the adoption of the rule, the court shall award the party bringing the action the reasonable expenses of the litigation, including reasonable attorney's fees.

5 ILCS 100/10-55(c)(emphasis added).

The award of fees and cost under Section 10-55(c) is mandatory, as demonstrated by the use of the word "shall". *Citizens Organizing Project v. Department of Natural Resources*, 189 Ill.2d 593, 727 N.E.2d 195, 244 Ill.Dec. 896, 899 (2000).

The Illinois Supreme Court recently interpreted Section 10-55(c) to require that the "court" invalidating the purported rule is the only appropriate venue for awarding costs and fees. *Illinois Department of Financial and Professional Regulation v. Rodriguez*, 2012 IL 113706, 983 N.E.2d 985, 368 Ill.Dec. 181 (2012, rehearing denied January 28, 2013). The court concluded that Section 10-55(c) does not create a separate cause of action against the administrative agency; therefore fee requests must be directed to the "court" that invalidated the purported rule. 368 Ill.Dec. at 198-199.

Pursuant to the Supreme Court's decision, this Board is the appropriate place to award the fees and costs mandated by Section 10-55(c). As this Board is well aware, the Board serves as the State's "pollution court", and has exclusive jurisdiction to hear appeals of IEPA decisions. 415 ILCS 5/5; see also Board Order in this matter, September 2, 2010. This is confirmed by the fact that the Circuit Court of Cook County dismissed Chicago Coke original action seeking to invalidate IEPA's rule. In its ruling, the Circuit Court dismissed Chicago Coke's complaint, for failure to exhaust

administrative remedies at this honorable Board.³ (See Exhibit A, January 7, 2011 circuit court order.) IEPA successfully moved to dismiss the Circuit Court action, stating the correct forum for Chicago Coke's claims was the IPCB. It would be disingenuous for IEPA to now argue that this Board is not the appropriate forum for an award of fees and costs under Section 10-55(c). The Board is the only place Chicago Coke can obtain the relief explicitly authorized by the APA: attorney fees and costs in obtaining a determination that IEPA's "five year shut down" rule is an invalid, unpromulgated rule.

This Board previously awarded attorney's fees and costs pursuant to statutory authorization. For example, the Board awards attorney fees pursuant to Section 57.8(l) of the Environmental Protection Act (Act), when a UST owner or operator prevails before the Board. See, e.g., *Evergreen FS, Inc. v. IEPA*, 2012 WL 4024874, *3-*6 PCB 11-51 and 12-61, September 6, 2012; *Prime Location Properties LLC v. IEPA*, 2009 WL 6506811, *2-*6, PCB 09-67 (November 5, 2009), *aff'd IEPA v. IPCB*, 2012 WL 7059961, *5-6, 2012 IL App (5th) 100072-U (March 2, 2012); *Illinois Ayers Oil Company v. IEPA*, 2004 WL 1809062, *8-*9, PCB 03-214 (August 5, 2004).

Although Chicago Coke's request for fees and costs arises under a different statute, the result is the same. Section 10-55(c) of the APA specifically authorizes (and requires) the "court" invalidating an administrative rule to award attorney's fees and costs incurred in obtaining that finding. Because the Board is the exclusive forum for hearing appeals involving environmental regulations, the Board possesses the full authority to proceed as a "court" as contemplated by Section 10-55(c) of the APA.

³ Chicago Coke's circuit court petition also sought fees and costs pursuant to Section 10-55(c). See Exhibit B, circuit court petition (included without exhibits in the interests of reducing paper).

If the Board were to decide it lacked the authority to award fees and costs under the APA, when the Board invalidated IEPA's "rule", it would leave parties in environmental matters as the only State litigants unable to recover what the APA specifically provides: attorney's fees and costs for bringing an action which results in the invalidation of the rule. This would be manifestly unfair to one group of regulated entities who incur costs and expenses in correcting an administrative wrong.⁴ Like the authority given to the Board under Section 57.8(l) of the Act, Section 10-55(c) of the APA gives the Board authority---and requires the Board---to award Chicago Coke its costs and fees herein.

The purpose of the fee-shifting provisions of the APA is to discourage enforcement of invalid rules. The fee-shifting provision also gives entities subject to invalid rules the incentive and ability to challenge doubtful rules. *Citizens Organizing Project*, 244 Ill.Dec. at 899. Chicago Coke is entitled, under Section 10-55(c), to its attorney fees and costs.

Attached as Exhibit C is the affidavit of Elizabeth S. Harvey regarding attorney's fees and costs incurred by Chicago Coke. Attached to that affidavit as Group Exhibit 1 are the invoices detailing the task performed, the time spent, and the hourly rate. Courts interpreting Section 10-55(c) have found that, in determining reasonableness, an hourly rate commensurate with expertise and the rates charged in that legal community is reasonable (*County of DuPage v. Illinois Labor Relations Board*, 359 Ill.App.3d 577, 834 N.E.2d 976, 296 Ill.Dec. 171, 175 (2d Dist. 2005), and that hours spent by more than one attorney are reasonable (*Berrios v. Rybacki*, 236 Ill.App.3d 140, 603 N.E.2d

⁴ Such a result would raise serious constitutional questions about equal protection.

659, 177 Ill.Dec. 589, 595-596 (1st Dist. 1992)). The attorney's fees and costs incurred by Chicago Coke are reasonable.

CONCLUSION

The Board found that IEPA used a rule of general applicability, which had not been adopted under the provisions of the APA, when IEPA used its "five year shutdown" rule to deny Chicago Coke the availability of its ERCs. Thus, the Board found the five-year rule invalid. Section 10-55(c) of the APA requires a "court" invalidating any administrative rule to award the party bringing the action its reasonable expenses, including reasonable attorney's fees. Because of the nature of the Illinois environmental regulatory system, the Board has exclusive jurisdiction to rule on appeals of IEPA actions, including the validity of administrative rules, and functions as "the court". The award of reasonable fees and costs is mandatory.

WHEREFORE, Chicago Coke moves the Board to award Chicago Coke its reasonable attorney's fee and costs as documented in the attached affidavit, and for such other relief as the Board deems appropriate.

Respectfully submitted,

CHICAGO COKE CO., INC.

By: s/Elizabeth S. Harvey
One of its attorneys

Dated: June 10, 2013

Michael J. Maher
Elizabeth S. Harvey
SWANSON, MARTIN & BELL, LLP
330 North Wabash, Suite 3300
Chicago, Illinois 60611
Telephone: (312) 321-9100

Order

(2/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Chicago Coke Co., Inc.

v.

Scott, et al.No. 10 CH 12662

ORDER

THIS CAUSE BEFORE THE COURT on ~~Plaintiff's~~ ^{Defendants'} ~~Motion~~
 Section 2-619.1 Combined Motion to Dismiss Complaint Pursuant
 to Sections 2-615 and 2-619,

IT IS HEREBY ORDERED THAT:

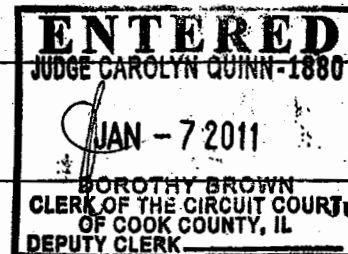
① Defendants' motion is granted, and Plaintiff's Complaint
 is dismissed for failure to exhaust administrative remedies.

Atty. No.: 99000Name: AAG Andrew ArmstrongAtty. for: PlaintiffAddress: 69 W Washington, 18th FloorCity/State/Zip: Chicago, IL 60602Telephone: 312-814-0660

ENTERED:

Dated:

Judge



Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

EXHIBIT

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A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

Chicago Coke Co., Inc., an Illinois corporation,)

Plaintiff,)

v.)

DOUGLES P. SCOTT, Director of the Illinois)
Environmental Protection Agency, and THE)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY, an Agency of the State of Illinois,)

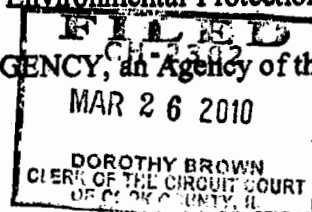
Defendants.)

No.

10CH12662

**VERIFIED COMPLAINT FOR PETITION FOR
COMMON LAW WRIT OF CERTIORARI AND DECLARATORY JUDGMENT**

NOW COMES Plaintiff, CHICAGO COKE CO., INC. ("Chicago Coke"), an Illinois corporation, by its attorneys, SWANSON, MARTIN & BELL, LLP, and for its Verified Complaint for Petition for Common Law Writ of Certiorari and Declaratory Judgment against Defendants, DOUGLAS P. SCOTT, Director of the Illinois Environmental Protection Agency, and THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, an Agency of the State of Illinois, states as follows:



PARTIES

1. Plaintiff, Chicago Coke Co., Inc., is an Illinois corporation. Chicago Coke operates its principal place of business at 11400 South Burley Avenue, Chicago, Illinois ("the Facility").
2. Defendant, Illinois Environmental Protection Agency ("Illinois EPA"), is an Agency of the State of Illinois, created pursuant to Section 4 of the Illinois Environmental Protection Act. See 415 ILCS 5/4. Defendant, Douglas P. Scott, is the Director of the Illinois EPA.

EXHIBIT

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B

COUNT I - DECLARATORY JUDGMENT

3. The Illinois Pollution Control Board adopted regulations for major sources of air pollution located in areas that do not meet national air standards set by the Clean Air Act. These areas are known as "non-attainment areas." *See* 42 U.S.C. § 7407(d)(1)(A)(i); *see also* 35 Ill. Admin. Code § 203.301, *et seq.* Before any new or modified major source of pollution can be constructed in a non-attainment area, the new or modified major source must obtain "emission offsets" for the amount of pollution it is expected to generate.

4. Illinois regulations recognize that emission offsets can be sold between companies in non-attainment areas. *See* 35 Ill. Admin. Code § 203.303(a).

5. Illinois EPA evaluates and approves emission offsets. 35 Ill. Admin. Code §§ 203.302 and 203.303.

6. Chicago Coke's Facility is located within a non-attainment area.

7. Chicago Coke sought to sell its emission reduction credits ("ERCs") to a buyer located in the same non-attainment area.

8. Chicago Coke's ERCs constitute a property right for purposes of this action.

9. Chicago Coke submitted three formal, written requests asking Illinois EPA to recognize Chicago Coke's ERCs as emissions offsets under Illinois Administrative Code § 203.303. *See* Chicago Coke Co., Inc.'s letter dated August 3, 2007, attached as Exhibit A; Chicago Coke Co., Inc.'s letter dated July 18, 2008, attached as Exhibit B; *and* Chicago Coke Co., Inc.'s letter dated January 15, 2010, attached as Exhibit C.

10. In response, Illinois EPA invented a fictitious "regulation" which it used as a basis to deny Chicago Coke's ERCs.

11. Under Illinois EPA's fictitious "regulation," a facility that is permanently shut down cannot use ERCs as emission offsets for new sources and/or major modifications. *See* Final Agency Action dated February 22, 2010, attached hereto as Exhibit D.

12. Contrary to Illinois EPA's application of the fictitious "regulation" to Plaintiff, Illinois EPA has issued permits based on ERCs from at least five permanently shut down facilities. *See* Offsets Chart, attached as Exhibit E.

13. Illinois EPA is enforcing a fictitious regulation against Chicago Coke.

14. Illinois EPA's purported "regulation" was never promulgated pursuant to the Illinois Administrative Procedure Act, 5 ILCS 100/5-5 *et seq.*

15. An actual controversy exists between Plaintiff and the Defendants. Pursuant to Section 2-701 of the Illinois Code of Civil Procedure (735 ILCS 5/2-701), this Court is vested with the power and responsibility to make a binding declaration of rights regarding Plaintiff's ERCs as offsets, and to award Plaintiff such other and further relief as it may deem just and equitable.

WHEREFORE, for the above and foregoing reasons, Plaintiff, CHICAGO COKE CO., INC., moves this Court to enter an order declaring that Illinois EPA has exceeded its statutory authority by attempting to enforce a fictitious regulation that was never promulgated pursuant to the Administrative Procedure Act.

COUNT II – PETITION FOR COMMON LAW WRIT OF CERTIORARI

1-15. Plaintiff re-alleges and incorporates herein by reference paragraphs 1-15 of Count I as paragraphs 1-15 of this Count II.

16. Plaintiff is unaware of any method of review or remedy for Illinois EPA's denying plaintiff's ERC credits as offsets by applying a fictitious and unpromulgated regulation, except via issuance of a writ by this Court.

WHEREFORE, Plaintiff, CHICAGO COKE, INC., prays for issuance of a writ of certiorari directed to Defendants to certify and to produce in this Court the record of Illinois EPA's determination that the Chicago Coke Facility is permanently shut down, and that Chicago Coke's ERCs cannot be utilized as emission offsets, and that upon review thereof, Illinois EPA's determination be vacated, annulled, and reversed.

**COUNT III - DECLARATORY JUDGMENT THAT ILLINOIS EPA
HAS EXCEEDED ITS STATUTORY AUTHORITY**

1-16. Plaintiff re-alleges and incorporates herein by reference paragraphs 1-16 of Counts I and II as paragraphs 1-16 of this Count III.

17. The Illinois Administrative Procedure Act provides that when a party has an administrative rule invalidated by a court for any reason, including when the agency exceeds its statutory authority, the court shall award the party bringing the action the reasonable expenses of litigation, including reasonable attorney's fees. 5 ILCS 100/10-55(c).

18. Under the Illinois Administrative Procedure Act, "rule" means an agency statement of general applicability that implements, applies, interprets, or prescribes law or policy. 5 ILCS 100/1-70.

19. An actual controversy exists between Plaintiff and the Defendants, and pursuant to Section 2-701 of the Illinois Code of Civil Procedure (735 ILCS 5/2-701), this Court is vested with the power and responsibility to make a binding declaration of right, and to award Plaintiff such other and further relief as it may deem just and equitable.

WHEREFORE, for the above and foregoing reasons, Plaintiff, CHICAGO COKE CO., INC., moves this Court to enter an order declaring that:

- a. Illinois EPA's purported administrative rule that "permanent shut-down" of a facility defeats ERCs for use as emission offsets is not authorized by federal or state law or regulation, and is unreasonably inconsistent with the actions of Illinois EPA in other matters involving recognition of emission reduction credits.
- b. That, pursuant to Section 10-55 of the Illinois Administrative Procedure Act (5 ILCS 100/10-55), the Court award to Chicago Coke Co., Inc. the reasonable expenses of this litigation, including reasonable attorney's fees, incurred in bringing the present action for declaratory judgment, together with reasonable prejudgment and post-judgment interest on all sums due.

Respectfully submitted,

SWANSON, MARTIN & BELL, LLP

By: 

One of Its Attorneys

Dated: March 26, 2010

Michael J. Maher
Erin E. Wright
SWANSON, MARTIN & BELL, LLP
330 North Wabash Avenue
Suite 3300
Chicago, Illinois 60611
(312) 321-9100
Firm I.D. No. 29558

VERIFICATION

I, Simon Beemsterboer, have reviewed Plaintiff Chicago Coke Co., Inc.'s Verified Complaint for Declaratory Judgment and Petition for Common Law Writ of Certiorari, and state that such allegations are true and correct based on information presently available to me. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the statements in this Verification are true and accurate.


Simon Beemsterboer

Subscribed and Sworn to before me
this 24 day of March, 2010


Notary Public

My commission expires: Dec 20, 2010

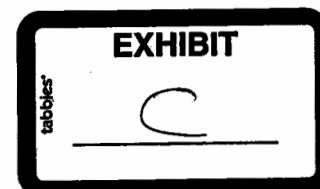


STATE OF ILLINOIS)
)
COUNTY OF COOK) ss

**AFFIDAVIT OF ELIZABETH S. HARVEY
VERIFYING ATTORNEY FEES**

Affiant, Elizabeth S. Harvey, being first duly sworn, states as follows:

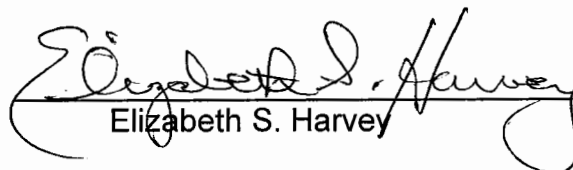
1. The statements made in this affidavit are based on my personal knowledge, and I am competent to testify to the statements.
2. I am an attorney licensed to practice law in the State of Illinois, and have been licensed since 1986. I have practiced environmental law, including at and before the Illinois Pollution Control Board, since 1987.
3. Michael J. Maher is an attorney licensed to practice law in the State of Illinois, and has been licensed since 1985. Mr. Maher has practiced environmental law, including at and before the Illinois Pollution Control Board, since 1986.
4. Mr. Maher and I practice law at Swanson, Martin & Bell, LLC, and are the attorneys of record for petitioner *Chicago Coke Company v. Illinois Environmental Protection Agency (Natural Resources Defense Council and Sierra Club, Intervenor)*, PCB 10-75.
5. During the course of the litigation, other attorneys (Erin Wright, John Arranz, Ryan Sullivan, and John Knowles) assisted in the case. These attorneys, all admitted to practice law in the State of Illinois, charge a lower billing rate, so are more cost-effective for the client. We also occasionally used paralegals (Don Duvall and Colin Stokes) to assist in the case.
6. Our firm began representing Chicago Coke regarding the availability of Chicago Coke's emission reduction credits ("ERCs") in 2010.
7. The preparation for, and litigation of, this case was time-consuming and complicated. There are a number of reasons for the complicated and extensive litigation. Among those reasons:
 - a. IEPA filed a motion to dismiss Chicago Coke's petition for review, to which Chicago Coke had to respond. IEPA filed a reply, and Chicago Coke successfully moved for, and filed, a surreply. IEPA then filed a motion to reconsider the Board's denial of the motion to dismiss, to which Chicago Coke prepared and filed a response in opposition.
 - b. The Natural Resource Defense Council and the Sierra Club (collectively, NRDC) filed a motion to intervene in the case. Chicago Coke prepared



- and filed a response in opposition to intervention. NRDC filed a reply to the response.
- c. The Board granted NRDC's motion to intervene in this case. As a result, Chicago Coke was forced to litigate against two parties: IEPA and NRDC.
 - d. There is a large administrative record to be reviewed, which was supplemented by the Illinois Environmental Protection Agency (IEPA) only after written discovery was completed.
 - e. Chicago Coke served written discovery on IEPA and on NRDC. IEPA and NRDC both served written discovery on Chicago Coke. Thus, Chicago Coke had to prepare two sets of written discovery (interrogatories, document requests, and requests to admit). Chicago Coke also received multiple written discovery requests from IEPA and NRDC, so Chicago Coke had to prepare multiple sets of responses to the IEPA and NRDC discovery requests.
 - f. IEPA refused to respond to a number of Chicago Coke's written discovery requests. Despite collegial attempts to resolve the dispute, Chicago Coke was forced to prepare and file a motion to compel. The hearing officer granted the majority of the motion to compel, and directed IEPA to provide responses.
 - g. Chicago Coke analyzed and evaluated IEPA's and NRDC's discovery responses and documents, including more than 22,000 documents in IEPA's supplemental production alone.
 - h. Chicago Coke, IEPA, and NRDC all filed cross-motions for summary judgment. Chicago Coke's two motions for summary judgment (against IEPA and separately against NRDC) were complicated and took time to prepare. Chicago Coke then had to prepare and file a response to IEPA's motion for summary judgment (which included multiple exhibits), and also a response to NRDC's motion for summary judgment (which included multiple exhibits).
 - i. Chicago Coke prepared motions to strike portions of both IEPA's and NRDC's motions for summary judgment. After those motions were denied, Chicago Coke prepared supplemental responses to the motions for summary judgment, addressing the issues sought to be stricken.
 - j. Thorough out the course of the proceeding, Chicago Coke participated in telephonic status conferences with the Hearing Officer.
8. Attached as Group Exhibit 1 are the invoices setting forth the attorney's fees and costs incurred in this case. The invoices reflect actual work performed and fees and costs incurred. The invoices include the date and description of the work performed, the amount of time spent, the hourly rate charged, and the total fees charged. The hourly rates charged are commensurate with the prevailing rates for environmental litigation legal services in Chicago, Illinois, in the period of the case (2010-2013).
- a. Chicago Coke has redacted certain information on the invoices, such as personal contact information. Chicago Coke has also redacted attorney

fees and costs incurred in the previous circuit court action, and does not seek recovery for the circuit court fees and costs.

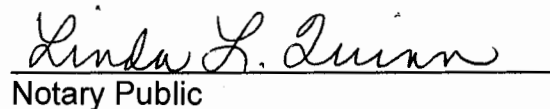
FURTHER AFFIANT SAYETH NOT.


Elizabeth S. Harvey

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

The undersigned, a Notary Public in and for the County of Cook, Illinois, certifies that Elizabeth S. Harvey, personally known to me to be the same person whose name appears on this affidavit, appeared before me today in person and signed this affidavit, as a free and voluntary act.

Given under my hand and official seal, this 10th day of June, 2013.


Notary Public

