

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
)	
Petitioner)	
)	
v.)	No. PCB 2014-099
)	(Pollution Control Facility Siting Appeal)
)	
VILLAGE OF ROUND LAKE PARK,)	
ROUND LAKE PARK VILLAGE BOARD))	
and GROOT INDUSTRIES, INC.,)	
)	
Respondents)	

NOTICE OF FILING

To: see service list

PLEASE TAKE NOTICE that on February 26, 2014 before 4:30 p.m., I filed the attached RLP's Motion to Strike TCH's Discovery Requests with the Clerk of the Illinois Pollution Control Board, copies of which are hereby served upon you by email.

By: Glenn C. Sechen
The Sechen Law Group, PC
Attorney for the
Village of Round Lake Park

Certificate of Service

The undersigned hereby attorney certifies that on the 26th day of February, 2014, a copy of the above was filed and served by email, as agreed by counsel, upon the persons shown in the Service List:

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**VILLAGE OF ROUND LAKE PARK’S MOTION
TO STRIKE TCH’S DISCOVERY REQUESTS**

The Village of Round Lake Park (sometimes referred to as “Village Staff”, “VRLP or RLP”) hereby Moves to Strike the discovery requests propounded by Timber Creek Homes, Inc. ("TCH") and in support thereof states as follows:

INTRODUCTION AND DISCUSSION:

Fundamentally, the Legislature did not envision extensive fishing expeditions in Section 40.1 appeals as is clearly demonstrated by the 120 day time limit the Legislature set. What TCH seeks could take years to fully explore. Accordingly the Legislature provided that, among other things, “such hearing to be based exclusively on the record before county board or the governing body of the municipality. The burden of proof shall be on the petitioner.”

Through the use of interrogatories, production requests and subpoenas Petitioner (“TCH”) apparently seeks to determine what the Village Board knew or could have known and when it knew it or could have known it in the hope of finding something

it can use to show some sort of predetermination. TCH has sought discovery on literally everything, from its subpoena on the VRLP's sole witness, Dale Kleszynski and his firm (collectively "Kleszynski"), its production request (attached hereto as Exhibit A) and its interrogatories (Exhibit B) requesting every scrap of information available to not only the Village Board directly, but the Respondent's attorneys, consultants (and their firms), testifying experts (and their firms) and the Applicant ("Groot").¹ TCH literally seeks to delve into the preparation of VRLP's case in this appeal and much of its discovery is aimed at so doing.

Significantly, TCH has pled no facts that could allow such a broad scope of discovery or, for that matter and extremely broad scope of admissible evidence at the Board's hearing. Not only is TCH's Petition faulty but TCH failed to properly preserve the issues for appeal. TCH claimed on the record that "it appears" based on VRLP's cross examination TCHs' Needs witness, that VRLP, not the Village Board has made up its mind.²

¹ The Village Board and NOT VRLP granted site location approval. From the filing of the siting application through Village Board's siting decision, VRLP was a separate party having no contact with the Village Board outside the siting hearings and no *ex parte* contacts of any kind are alleged in TCH's Petition. As a matter of law, what VRLP determined and when is neither relevant nor material to this appeal. See, Land & Lakes Co. v. PCB, 319 Ill.App.3d 41, 48 (3rd Dist. 2000).

² TCHs' surmise regarding "it appears" is not only inaccurate but it, like its Petition, is void of substance and facts and constitutes no more than an attempt to create an issue for appeal. Accordingly, the predetermination issue was not properly preserved. See, E & E Hauling, Inc. v. PCB, 107 Ill.2d 33, 38 (1985), Fox Moraine LLC v. United City of Yorkville, 2011 Ill.App.2nd 100017, 40-41, 960 N.E.2d 1144, 1163-1164 (2nd Dist 2011) *cert denied* ___ Ill.2nd ___ (2012). Additionally, TCH has admitted that the cross examination in question is susceptible to multiple interpretations (or the questions on cross examination are irrelevant C03223, Lines 11-14) and additionally that VRLP and not the Village Board has predetermined the issues (C03223, Line 12), Petitioner's Response to Respondent's Motion to Quash at 2-3. TCH seeks to spin all of that into casting VRLP a co-applicant. Even if VRLP were an applicant, which it is not and was not, such is NOT alleged in TCH's Petition. Even if VRLP would have been an applicant, there would have been no fundamental fairness violation. E & E Hauling, supra.

Neither TCH's assumption nor its current position nor its position that VRLP and not the Village Board predetermined anything is sufficient to preserve these issues for appeal. See, Fox Moraine, LLC v. United City of Yorkville, 960 N.E.2d 1144, 1168 (2nd Dist. 2011) Accordingly, all of what TCH seeks should be barred, its discovery requests stricken and this appeal should be dismissed. Neither is what TCH seeks relevant nor material to any issue in this case. That, however, is not the end of the matter. TCH is still fishing for some fact on which to hang its hat but that fishing expedition should be cut short for yet additional reasons.

It is well established that the Village Board acts in its traditional legislative capacity prior the filing of the siting application and likewise subsequent to its decision on siting. Once the siting application is filed and is pending, the Village Board acts in a quasi-judicial or quasi-adjudicative capacity. Stop the Mega-Dump v. County Board of De Kalb County, PCB 10-103 (March 17, 2011), *aff'd* 2012 IL App (2d) 110579 (2nd Dist, 2012), Land & Lakes Co. v. PCB, 319 Ill.App.3d 41, 48 (3rd Dist. 2000).³

Apparently TCH feels that what is in the minds of the members of the Village Board may be determined from the information it seeks in discovery and TCH hopes that the information it seeks will tend to show predetermination. However what is in the minds of the Village Board members when it acts in either its legislative or quasi-adjudicative, sometimes referred to as quasi-judicial, roles cannot be a proper subject of inquiry.

³ In Stop the Mega-Dump, third party objectors attempted to show predetermination by *ex parte* contacts prior to the filing of the siting application. The Appellate Court agreed held that the County Board acts in a legislative capacity prior to the filing of the application and once filed, the County Board acts in a quasi-judicial capacity. The Stop the Mega-Dump court further held that, by definition, there can be no pre filing *ex parte* contacts prior to the filing of the application. By the same logic, the same is true post decision contacts.

Probing of the minds of the decision maker, whether a judicial decision maker or a legislator, has long been forbidden. See, In re Franklin National Bank Securities Litigation, 478 F.Supp. 577 (E.D.N.Y. 1979). Through the use of discovery, including subpoenas, TCH requests this Board to authorize the disclosure of information provided to the Mayor and Board of Trustees in their legislative capacity in the apparent hope of challenging their action in their quasi-judicial capacity.

Legislative actions are cloaked with the presumption of validity. To overcome that presumption, TCH must be able to plead and prove facts which establish by clear and convincing evidence that the approval was arbitrary and unreasonable with no relation to the public health, safety, and welfare. LaSalle National Bank v. County of Cook, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) See also, Village of Wheeling v. Exchange National Bank, 213 Ill.App.3d 325, 572 N.E.2d 966, 157 Ill.Dec. 502, *PLA denied*, 141 Ill.2d 562, 580 N.E.2d 137, 162 Ill.Dec. 511 (1992). TCH has utterly failed to plead any such facts.

"Absent evidence of fraud or a clear abuse of power, courts generally do not inquire into the interest, bias or motives of a municipal body acting in a legislative capacity." Village of Wheeling v. Exchange National Bank, 213 Ill.App.3d 325, 572 N.E.2d 966, 157 Ill.Dec. 502 (1991). It is impermissible to review the knowledge of the Village Board and the wisdom of its enactments. Anthony v. City of Kewanee, 79 Ill. App. 2d 243, 223 N.E.2d 738 (1967). As a matter of law, such information is irrelevant and not material to any issue in the case. "The motives of the members of a municipal authority are not the proper subjects of judicial inquiry." Geneva Residential Association, Ltd. v. City of Geneva, 397 N.E.2d 849, 858 (2nd Dist. 1979). For example, it is generally accepted that depositions of government officials should not be

allowed unless necessary to prevent injustice. American National Bank v. City of Chicago, 568 N.E.2d 25, 37 (1st Dist. 1990). Further, in the absence of pre-filing collusion between Groot, the applicant, and the decision maker, the Village Board, pre-filing contacts cannot result in a breach of fundamental fairness. Land & Lakes Co. v. PCB, 319 Ill.App.3d 41, 48 (3rd Dist. 2000) *compare the Board and Appellate opinions in Stop the Mega-Dump v. County Board of De Kalb County*, PCB 10-103 (March 17, 2011), *aff'd* 2012 IL App (2d) 110579 (2nd Dist, 2012).

Paragraph 7 of TCH's Petition states in relevant part that, "The local siting review procedures, hearings, decision, and process, individually and collectively, were fundamentally unfair ..." No matter how that vague and conclusory language is interpreted it cannot be broadened to the point that covers pre-filing or post decision occurrences as the allegations are limited to those related to the siting review which commenced no earlier than the filing of the application and ended with the grant of local siting approval. Further, by definition, there can be no *ex parte* contacts prior to the filing of the application, and logically, subsequent to the decision as well. *See supra, Mega-Dump* 2012 IL App. Accordingly it is clear that the bulk of what TCH seeks should not be allowed.

TCH's PRODUCTION REQUEST:

PRE FILING, REQUESTS 1-22:

Groot filed its application for local siting approval on June 21, 2013. TCH's Production Request directed to the Village Board and VRLP (attached as Exhibit A) states, "[u]nless otherwise specifically indicated, the period of time encompassed by this

Request is March 1, 2008 through June 21, 2013. TCH proceeds in its request with a long series of definitions which, essentially, broaden each request to include any person or entity in any associated with the person or entity mentioned in each request.

The TCH requests relate to all documents (itself defined to include almost everything) related to VRLP or the Village Board (including its attorneys) regarding meetings, conversations, contacts, and communications between any person or entity in any manner associated with the instant siting application, including attorneys, witnesses, Groot, individuals associated with Groot, and the County for over five (5) years prior to the filing of the application. Through the use of definitions VRLP and the Village Board also include: all of the person's or entity's agents, employees, appointed officials, elected officials and attorneys, and the entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent companies, and includes present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys" and includes all persons associated with any of these. TCH also requests all documents related to below signed counsel including those related to the scope of his retention and the services rendered. A similar request pertains to Mr. Kleszynski.

23-24 TO THE DATE HEREOF:

Requests 23 and 24 relate to all documents (as defined) regarding contacts (as defined) between VRLP (meaning counsel for VRLP) and Mr. Kleszynski and all documents regarding contacts (as defined) between Mr. Kleszynski and the Village Board. These requests are to cover the time period from the date of Mr. Kleszynski's retention to the present.

ARGUMENT RE PRODUCTION:

23-24 TO THE DATE HEREOF:

It would be so easy to justify requesting documents relevant to any *ex parte* contact between Mr. Kleszynski and the Village Board. However, neither does the term *ex parte* or “collusion” or any remotely similar term appear in the TCH Petition nor does the term *ex parte* apply any more to post decision contacts than to pre-filing contacts. Accordingly requests 23 and 24 must be stricken.

The documents in request 23 relate to contacts between counsel and Mr. Kleszynski. They would include documents that relate to what Mr. Kleszynski testified to at the hearings and which testimony was on the record and subjected to extensive cross examination by TCH. In other words, TCH now seeks, *ex post facto* discovery regarding testimony that is included in the record before the Board. Record C03742 – 164, C02401 – 21. Does TCH propose some sort of belated collateral impeachment? It is impossible to tell based on TCH’s vague Petition and its failure to plead facts. However, it appears that TCH would like this Board to review the preparation of VRLP’s case and impeach the record and Mr. Kleszynski’s testimony in this appeal.

No matter how the vague and conclusory language of the TCH Petition is interpreted it cannot be broadened to the point that covers post decision occurrences as the allegations are limited to those related to the siting review which commenced no earlier than the filing of the application and ended with the grant of local siting approval. Nor can language in the TCH petition be interpreted as alleging any misconduct on the part of Mr. Kleszynski, APC or VRLP. No matter how the vague and conclusory allegations of the TCH petition are interpreted, they cannot be interpreted to include anything that did not come to the Village Board’s attention while acting in a quasi-

judicial capacity. If it didn't come to the Village Board's attention it could not have caused predetermination and that includes anything contained in Mr. Kleszynski's documents or communication regarding his preparation to testify and the preparation of his report. This, as a matter of law. Absent some sort of *ex parte* communication, all of what the Village Board could know about Mr. Kleszynski has to be contained in the record and there is absolutely nothing in the TCH petition even warrants any inquiry beyond the record. It is the Village Board which granted local site location approval, not VRLP.

PRE FILING, REQUESTS 1-22:

Requests 1 through 22 encompass documents related to contacts (again all defined terms) regarding the proposed transfer station from March 1, 2008 through June 21, 2013 when the siting application was filed. On their face, these requests are vague, overbroad and unduly burdensome and are further neither relevant nor material to any issue in this appeal and are not likely to lead to the discovery of any admissible evidence. As discussed above, contacts of this nature are not *ex parte* and by definition are relevant the period during which the Village Board was acting in a legislative capacity. Again, neither does, the term *ex parte*, "collusion" or any similar relevant term appear in the TCH Petition. Accordingly requests 1-22 must be stricken.

Requests 1-22 are perhaps the most obvious example of the fishing expedition upon which TCH has embarked. The extremely broad definitions utilized by TCH create issues, particularly TCH's inclusion of counsel in its definitions. Those definitions relate to all the Respondents in the various discovery requests propounded by TCH.

Accordingly, ethical issues as well as attorney-client and work product privilege issues are inherent in the various TCH discovery requests.⁴

TCH's INTERROGATORIES:

PRE FILING, REQUESTS 1 and 3 through 10:

TCH's Interrogatories are similar to its Production Request and are improper for many of the same reasons. The Interrogatories directed to the Village Board and VRLP (attached as Exhibit B). Like the TCH Production Request, "[t]hese interrogatories largely cover the time period between March 1, 2008 through June 21, 2013". Again, TCH proceeds in its interrogatories with a long series of definitions which, essentially, broaden each interrogatory to include any person (including attorneys) or entity in any associated with the person or entity mentioned in each request. All of TCH's Interrogatories are vague, overbroad and unduly burdensome and are further neither relevant nor material to any issue in this appeal and are not likely to lead to the discovery of any admissible evidence. Further, VRLP incorporates its arguments regarding TCH's Production Request herein.

Regarding VRLP, it is wholly unclear what TCH seeks. For example, Interrogatory 2 states, identify all communications in verbal, written or electronic form made by or to VRLP relating to the subject of a waste transfer station in the Village of Round Lake Park up until the present. Like most of TCH's discovery requests, it is essentially impossible to answer especially since it covers a period of more than five (5)

⁴ VRLP hereby adopts and incorporates the arguments of the other Respondents related to all of the various TCH discovery requests.

years. Inherently this request has no limitations and includes attorney-client matter and work product material.

Interrogatory 11 states: identify all meetings, conversations, communications and contacts between any member of the RLP Board and Glenn Sechen from the date of his retention by VRLP to the present. Prior to the filing of the siting in question and subsequent to the Village Board's decision on siting, Glenn Sechen's role was as independent outside counsel for the Village of Round Lake Park. During that time period, while acting in its legislative capacity, the Village Board served as the corporate authority. Accordingly, any response to Interrogatories 2 and 11 would fall squarely within the attorney-client privilege and/or the attorney work-product privilege as TCH seeks information regarding mental impressions and strategy. Significantly, if statements of counsel were somehow are not privileged, they would neither relevant nor material to any issue in this case as they would have no relationship to the decision maker, the Village Board. Additionally, no statement of counsel would have any relation to anything pled in the Petition filed by TCH.

Interrogatory 13 states, "identify all meetings, conversations, communications and contacts between VRLP and Dale Kleszynski from the date of his retention by VRLP to the present". The above arguments regarding Production Request numbers 23 and 24 regarding Mr. Kleszynski apply equally here and are hereby incorporated by reference. This is no more than *ex post facto* discovery regarding Mr. Kleszynski's testimony at the siting hearings. Nothing therein is relevant or material to this appeal.

Section 40.1 appeals are based on the record and that section of the Act contains a 120 day time limitation because the Legislature did not intend to allow time

consuming fishing expeditions including a review of the preparation of any party's case or some sort of *ex post fact* discovery or collateral impeachment of witness who testified below.

WHEREFORE, Respondent, the Village of Round Lake Park, respectfully requests that the Pollution Control Board enter an order striking all of the discovery propounded by TCH and further asks this Board to dismiss the TCH appeal.

Respectfully submitted,
Village of Round Lake Park

By *Glenn C. Sechen*
One of Its Attorneys

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EXHIBIT A

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.,)	
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v.)	No. PCB 2014-099
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VILLAGE OF ROUND LAKE PARK,)	(Pollution Control Facility Siting Appeal)
ROUND LAKE PARK VILLAGE BOARD)	
and GROOT INDUSTRIES, INC.,)	
)	
Respondents)	

PETITIONER’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD

Now comes Petitioner, Timber Creek Homes, Inc. (“TCH”), by its attorneys, Jeep & Blazer, LLC, and pursuant to 35 IAC 101.616, hereby requests that Respondents Village of Round Lake Park (“VRLP”) and Round Lake Park Village Board (the “RLP Board”), produce the documents requested herein for inspection and copying at the offices of Jeep & Blazer, LLC, 24 N. Hillside Avenue, Suite A, Hillside, Illinois within 28 days of service hereof.

DEFINITIONS AND INSTRUCTIONS

A. Unless otherwise specifically indicated, the period of time encompassed by this Request is March 1, 2008 through June 21, 2013.

B. "Documents" shall include all written material or other tangible medium of reproduction of every kind or description, however produced or reproduced, including, without limitation, correspondence, notes, memoranda, recordings, photographs, letters, financial statements, tax returns, bank account statements, specifications, inspection reports, blueprints, drawings, diagrams, charts, summaries, computer printouts, computer or other digital data, microfilm, microfiche, records of oral conversations, diaries, calendars, field reports, logs, minutes, meetings, analyses, projections, work papers, tape recordings, films, video tapes, models, statistical statements, graphs, laboratory and engineering reports and notebooks, plans, minutes or records of meetings, minutes or records of conferences, lists of persons attending

meetings or conferences, reports and/or summaries of investigations, opinions, or reports of consultants, appraisals, evaluations, records, contracts, agreements, leases, invoices, receipts, preliminary drafts, however denominated, by whomever prepared, to whomever addressed, which are in possession of the respondent as defined herein. Further, "documents" includes any copies of documents which are not identical duplicates of originals, including, but not limited to, all drafts of whatever date and copies with typed or handwritten notations, and any other form of reporting, storing, maintaining or indexing such information, including, without limitation, electronic storage, computer storage, shorthand notes, diagrams, magnetic cards and other forms of storage.

C. "Communication" includes all discussions, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents and records of communication, the identity of person(s) to whom and by whom it was made, the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.

D. "Relating to" shall refer to documents that contain or refer in any way, directly or indirectly, to or in any legal, logical or factual way, or are in any other way connected with, the subject matter of a paragraph of this Request.

E. "Person" includes any individual, corporation, unit of government, trust, and any other collective organization or entity unless the context clearly indicates reference to an individual person.

F. Whenever reference is made to any person or entity by name, such reference shall be deemed to include all of the person's or entity's agents, employees, appointed officials, elected officials and attorneys, and the entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent companies, and includes

present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys.

G. As used herein, "and" as well as "or" should be considered either disjunctively or conjunctively as necessary to bring within the scope of this request any documents which might otherwise be construed to be outside its scope.

H. This request shall be deemed continuing so as to require prompt, further and supplemental production if you obtain possession of documents responsive to any request herein.

I. If you assert that any document called for by this request is privileged, you shall provide the following information with respect to each document:

- (1) Its date;
- (2) Its author;
- (3) All addresses of recipients of the original or copies thereof;
- (4) A brief description of its subject matter and physical size; and
- (5) The nature of the privilege claimed.

J. Wherever appropriate herein, the singular form of a word should be interpreted to include the plural, and vice versa.

K. In producing documents responsive to this request, you are requested to indicate for which paragraph each document is responsive.

L. If any document requested by this request has been destroyed, mutilated, altered, redacted, or discarded, that document must be identified by stating:

- (1) The name and address of the sender of the document;
- (2) The name and address of the author of the document;
- (3) The name and address of all entities to whom the document was addressed;
- (4) The name and address of all entities to whom a copy of the document was sent;

- (5) The name and address of all entities known to Defendants who had seen the document or participated in communications about the document;
- (6) The job title of each entity listed in (1) through (5) above;
- (7) The name and address of all entities known to Defendants who have received or currently possess a copy of the document;
- (8) The date of the document;
- (9) The date of destruction, alteration, mutilation, redaction, or discard of the document, manner of destruction, alteration, mutilation, redaction, or discard of the document, and reasons for destruction, alteration, mutilation, redaction, or discard of the document;
- (10) A brief description of the nature and subject of the document; and
- (11) The entity authorizing and performing the destruction, alteration, mutilation, redaction, or discard of the document.

M. If you object to any of the definitions or instructions herein, or to any of these specific requests herein, state in writing each objection and the grounds thereof.

N. You are requested to produce an affidavit stating whether the production is complete in accordance with this request as provided in Illinois Supreme Court Rule 214.

DOCUMENTS REQUESTED

1. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Groot Industries, Inc..

2. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Groot Industries, Inc..

3. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Lee Brandsma.

4. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Lee Brandsma.

5. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Larry Groot.

6. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Larry Groot between March 2008 and June 21, 2013.

7. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Walter Willis.

8. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Walter Willis.

9. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Chicago Bridge & Iron Company.

10. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Chicago Bridge & Iron Company.

11. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and The Shaw Group and/or Shaw Environmental, Inc..

12. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and The Shaw Group and/or Shaw Environmental, Inc..

13. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Devin Moose.

14. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Devin Moose.

15. All documents relating to or reflecting all meetings, conversations, communications and contacts between VRLP and Doug Allen.

16. All documents relating to or reflecting all meetings, conversations, communications and contacts between any member of the RLP Board and Doug Allen.

17. All documents relating to or reflecting discussion, consideration or contemplation of a waste transfer station in the Village of Round Lake Park.

18. All documents relating to or reflecting the retention of Glenn Sechen ("Sechen") by VRLP, including, but not limited to, all documents relating to or reflecting the scope of Sechen's retention.

19. All documents relating to or reflecting all services performed by Sechen from the date of his retention by VRLP to the present, including, but not limited to, all invoices or statements for services rendered.

20. All documents relating to or reflecting all communications between any member of the RLP Board and Sechen from the date of his retention by VRLP to the present.

21. All documents relating to or reflecting the retention of Dale Kleszynski ("Kleszynski") by VRLP, including, but not limited to, all documents relating to or reflecting the scope of Kleszynski's retention.

22. All documents relating to or reflecting all services performed by Kleszynski from the date of his retention by VRLP to the present, including, but not limited to, all invoices or statements for services rendered.

23. All documents relating to or reflecting all communications between VRLP and Kleszynski from the date of his retention by VRLP to the present.

24. All documents relating to or reflecting all communications between any member of the RLP Board and Kleszynski from the date of his retention by VRLP to the present.

Respectfully submitted,
Timber Creek Homes, Inc.

By: _____
One of its attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of PETITIONER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD to be served on the following, via electronic mail transmission, on this 1st day of February, 2014:

Hearing Officer

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For the Village of Round Lake Park

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Michael S. Blazer
One of the attorneys for
Petitioner

EXHIBIT B

officials, elected officials and attorneys, and the entity's subsidiaries, departments, committees, affiliates, merged, consolidated or acquired predecessors, divisions and holding or parent companies, and includes present and former elected and appointed officials, officers, directors, shareholders, agents, employees and attorneys.

- D. The term "relating to" means referring to, reflecting, and/or pertaining in any way, directly or indirectly, to or in any legal, logical or factual way connected with the matter discussed, and includes any documents used in the preparation of any document called for by each paragraph of these interrogatories.
- E. The term "communication" includes all discussions, conversations, interviews, meetings, negotiations, emails, instant messaging, cablegrams, mailgrams, telegrams, telexes, cables, or other forms of written or verbal intercourse, however transmitted, including reports, notes, memoranda, lists, agendas, and other documents and records of communication, the identity of person(s) to whom and by whom it was made, the date it was made, the circumstances under which it was made, including but not limited to the location where it was made, the date it was made, the means by which it was made, and the form in which it was made.
- F. As used herein, "and" as well as "or" should be considered either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside of their scope.
- G. Wherever appropriate herein, the singular form of a word should be interpreted to include the plural, and vice versa.
- H. As used herein, the word "identify" when used in connection with a verbal

communication shall mean to state the following:

1. The date of that communication;
 2. Identify the persons who were parties to that communication;
 3. Identify the persons who were witnesses (other than the parties) to the communication;
 4. State whether that communication was face-to-face and/or over the telephone, and if face-to-face, describe the location of that communication; and
 5. Identify any documents which pertain to that communication.
- I. As used herein, the word "identify" when used in reference to a natural person (i.e., human being) means to state:
1. The person's full name;
 2. Present (or last known) address;
 3. Present (or last known) occupation or position; and
 4. Name of his present (or last known) employer.
- L. The word "identify" when used in reference to a person other than an individual, means to state:
1. Its full name;
 2. Its present (or last known) address ; and
 3. Its present (or last known) telephone number.
- M. The word "identify" when used in reference to a document, means to state:
1. Its date;
 2. Its subject and its substance;

3. Its author
 4. Its recipients; and
 5. The type of documents (e.g., letter memorandum, telegram, chart, computer input or print-out, photograph, sound reproduction, etc.
- N. If you object to any of the definitions or instructions herein, or to any of the interrogatories herein, state in writing each objection and the grounds thereof.

INTERROGATORIES

1. Identify all communications in verbal, written or electronic form made by or to any member of the RLP Board relating to the subject of a waste transfer station in the Village of Round Lake Park.

ANSWER:

2. Identify all communications in verbal, written or electronic form made by or to VRLP relating to the subject of a waste transfer station in the Village of Round Lake Park.

ANSWER:

3. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and any other member of the RLP Board where the subject of a waste transfer station in the Village of Round Lake Park was discussed.

ANSWER:

4. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and any officer, agent, employee or representative of Groot Industries, Inc.

ANSWER:

5. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Lee Brandsma.

ANSWER:

6. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Larry Groot.

ANSWER:

7. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Walter Willis.

ANSWER:

8. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Devin Moose.

ANSWER:

9. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Chicago Bridge & Iron Company.

ANSWER:

10. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Shaw Environmental, Inc.

ANSWER:

11. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Glenn Sechen from the date of his retention by VRLP to the present.

ANSWER:

12. Identify all meetings, conversations, communications and contacts between any member of the RLP Board and Dale Kleszynski from the date of his retention by VRLP to the present.

ANSWER:

13. Identify all meetings, conversations, communications and contacts between VRLP and Dale Kleszynski from the date of his retention by VRLP to the present.

ANSWER:

Respectfully submitted,
Timber Creek Homes, Inc.

By: _____
One of its attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of PETITIONER'S FIRST SET OF INTERROGATORIES TO VILLAGE OF ROUND LAKE PARK AND ROUND LAKE PARK VILLAGE BOARD to be served on the following, via electronic mail transmission, on this 1st day of February, 2014:

Hearing Officer

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Petitioner