

**BEFORE THE VILLAGE BOARD OF THE VILLAGE OF ROUND LAKE PARK
SITTING AS A POLLUTION CONTROL FACILITY SITING AUTHORITY**

**IN RE: APPLICATION FOR LOCAL SITING)
 APPROVAL FOR GROOT INDUSTRIES) 03-01
 LAKE TRANSFER STATION)**

MOTION TO STRIKE

On November 8, 2013 Timber Creek Homes (TCH) filed a motion to strike Mr. Mueller's October 1, 2013 cross examination of Michael Marous. The Village of Round Lake Park moves to strike the TCH Motion and in support thereof states as follows:

1. The TCH motion is untimely and has been waived by virtue of its extremely untimely nature coming some 38 days after the testimony which it seeks to strike. During that delay the subject testimony was available by transcript for review by those members of the Village Board who were unable to hear it live and during which time it was open to the consideration of the entire Village Board.

2. In apparent recognition of the aforesaid, TCH requests the Hearing Officer to, instruct the Board that it may infer that the actual evidence underlying the cross-examination would be adverse to Groot. Significantly, TCH fails to explain just what authority the Hearing Officer has to instruct the Village Board to do anything. Certainly the Hearing Officer may request the Village Board to do or not do something, but TCH would, should siting be granted, only claim on appeal that such a request is insufficient and meaningless.

3. The TCH Motion to Strike is little more than another closing argument and last ditch attempt to bolster the credibility of its expert witnesses discussing what it claims to be Mr. Marous' credibility and professional standing while ignoring the utter failure of any of the TCH witnesses to any significant background work to support a properly based opinion or even reports more than five pages which explains why none of them, Mr. Marous included, held up well on cross-examination.

WHEREFORE, the Village of Round Lake Park prays that the TCH Motion to Strike itself be stricken.

Glenn C. Sechen

The Sechen Law Group, PC
Attorney for the
Village of Round Lake Park

Glenn C. Sechen
The Sechen Law Group, P.C.
13909 Laque Drive
Cedar Lake, IN. 46303
312-550-9220

NOTICE OF FILING

To: see service list

PLEASE TAKE NOTICE that on November 11, 2013, I filed the attached Motion to Strike by email, copies of which are hereby served upon you.

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 11th day of November, 2013 prior to 4:30 p.m. a copy of the above was filed and served by email upon the persons shown in the Service List:

Glenn C. Sechen

The Sechen Law Group, PC
Attorney for the
Village of Round Lake Park

SERVICE LIST

CLERK AND DEPUTY CLERK, VILLAGE OF ROUND LAKE PARK

Karen Eggert, Clerk
Cindy Fazekas, Deputy Clerk
Village of Round Lake Park
203 E. Lake Shore Drive
Round Lake Park, IL. 60073
keggert@villageofroundlakepark.com
cfazekas@RoundLakePark.us

HEARING OFFICER:

Phillip A. Luetkehans
Schriott, Luetkehans & Garner, LLC
105 E. Irving Park Rd.
Itasca, IL 60143
pluetkehans@slg-atty.com

**COUNSEL FOR THE VILLAGE BOARD
VILLAGE OF ROUND LAKE PARK**

Peter Karlovics
Magna & Johnson
495 N. Riverside Drive
Suite 201
P.O. Box 705
Gurnee, Illinois 60031
pkarlovics@aol.com

SOLID WASTE AGENCY OF LAKE COUNTY

Walter Willis
Executive Director
1311 N. Estes Street
Gurnee, IL 60031
wwillis@swalco.org

**COUNSEL FOR THE SOLID
WASTE AGENCY OF LAKE COUNTY**

Larry M. Clark
700 N. Lake Street
Suite 200
Mundelein, Illinois 60060-1353
larrymclark55@sbcglobal.net

COUNSEL FOR TIMBER CREEK HOMES

Michael S. Blazer
Jeffery D. Jeep
Jeep & Blazer, LLC
24 N. Hillside Avenue
Suite A
mblazer@enviroatty.com
jdjeep@enviroatty.com

COUNSEL FOR THE VILLAGE OF ROUND LAKE

Stephen Grossmark
Eric Yehl
Tressler LLP
233 S. Wacker Drive
22nd Floor
Chicago, IL 60606-6399
Sgrossmark@tresslerllp.com
eyehl@tresslerllp.com

PUBLIC PARTICIPANT

Mr. Brian Smith
204 New House Lane
Round Lake Park, IL 60073
harleybuddha1@sbcglobal.net

COUNSEL FOR GROOT INDUSTRIES

Charles F. Helsten
Richard S. Porter
Hinshaw Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
chelsten@hinshawlaw.com
rporter@hinshawlaw.com

George Mueller
Mueller Anderson & Associates
609 Etna Road
Ottawa, IL 61350
george@muelleranderson.com