

HINSHAW

& CULBERTSON LLP

DEPT OF
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OFFICE OF
CHIEF COUNSEL
SPRINGFIELD, IL 62764
ATTORNEYS AT LAW
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

April 24, 2009

VIA HAND DELIVERY

Mr. Richard Neville
Administrative Law Judge
71 S. Wacker Drive, Suite 3090
Chicago, Illinois 60606

815-490-4900
815-490-4901 (fax)
www.hinshawlaw.com

Re: Children's Memorial Hospital's Proposed Heliport

Dear Mr. Neville:

As you are aware, Hinshaw & Culbertson LLP represents the Streeterville Organization of Active Residents ("SOAR"), which is a 33-year-old non-profit group that works on behalf of Streeterville residents by preserving, promoting and enhancing the quality of life and community. Specifically, we are representing SOAR with respect to the proposed heliport by Children's Memorial Hospital ("CMH").

Enclosed please find a motion for subpoenas through which we request that the enclosed subpoenas be issued by you. Please note that we have left the dates for responses to the subpoenas blank. Please be advised that we would like the responses and depositions set as soon as possible, preferably within the next two weeks.

Thank you for your attention to this matter. We look forward to hearing from you. Should you issue the subpoenas, please contact me when they are ready and we will have them picked up and served with the appropriate fees.

Sincerely,

HINSHAW & CULBERTSON LLP



Richard S. Porter
815-490-4920
rporter@hinshawlaw.com

RSP:mmh

cc: Jack George, Esq.
Ellen Schanzle-Haskins, Esq.
Patty Frost

**STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION**

In re: The Matter of the Proposed Children's Memorial Hospital Rooftop Heliport to be located in Chicago, Illinois)
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MOTION FOR SUBPOENAS

NOW COMES the Streeterville Organization of Active Residents, hereinafter referred to as "SOAR", and as their Motion for Subpoenas to be issued in connection with the rooftop heliport which has been proposed by The Children's Memorial Hospital, to be located in the Streeterville neighborhood, Chicago, Cook County, Illinois, states as follows:

1. SOAR is a 33-year-old non-profit group that works on behalf of Streeterville residents by preserving, promoting and enhancing the quality of life and community. SOAR's standard development review process is well-respected by City of Chicago officials, real estate developers and residents.

2. SOAR and the residential community it represents (i.e., 19,437 residential units in an area 3/4 mile square) have an active interest in the Streeterville neighborhood, including issues which affect the safety of the residents as well as all those who work in or visit the Streeterville neighborhood.

3. The Children's Memorial Hospital, hereinafter referred to as "CMH", is seeking approval from the Illinois Department of Transportation ("IDOT") for permission to construct and operate a rooftop heliport at the new CMH hospital which is currently being constructed in Chicago's Streeterville neighborhood ("Proposed Heliport").

4. Although no order has been issued or formal hearing has yet been set to SOAR's knowledge, it is SOAR's understanding that IDOT will soon be scheduling a public hearing on the Proposed Heliport.

5. CMH has retained at least three experts in this matter. Those experts have completed or reviewed tests related to the proposed heliport. Through limited documents which CMH has provided in this matter, those experts have expressed their opinions regarding the alleged safety of the proposed heliport.

6. IDOT has retained at least six experts in this matter. Those experts were retained by IDOT, in part, because IDOT, by its own admission, has never reviewed a heliport at the proposed elevation. The uniqueness of this proposal in conjunction with the need of IDOT to retain outside consultants to review the application further demonstrates the need for the discovery being requested in this motion.

7. SOAR has retained the services of Humanitarian Research Services, Inc. which has prepared a report related to U.S. Helicopter Emergency Medical Service industry accidents, incidents, and events. SOAR has also retained two other experts, Dr. Thomas Corke and Mr. Gene Doub, in connection with the Proposed Heliport. Based upon the limited information provided by CMH, Dr. Corke has concluded that the study relied upon by CMH and IDOT concluding that the heliport is safe is substantially deficient in many ways, including, but not limited to the fact that they only tested two flight paths with wind from two directions at one speed only, when multiple flight paths and wind directions and speeds need to be considered.

8. Mr. Doub has concluded, amongst other things, that the safety plan submitted by CMH is seriously deficient in numerous ways and that the proposed location does not even meet the FAA's normal recommendation for the site selection of a hospital heliport.

9. Despite those conclusions from SOAR's experts, and despite the fact that CMH has been provided with those conclusions, to SOAR's knowledge CMH has not completed any further necessary study or corrected the deficiencies in the studies which they have already

conducted. Further, CMH will not provide SOAR with the input/output data for the tests which they allegedly had their experts have perform.

10. The subpoenas which SOAR seeks issuance of are attached hereto and incorporated by reference. Through these subpoenas, SOAR seeks, amongst other items, production of all correspondence between CMH, IDOT, the FAA, and any of the experts regarding the Proposed Heliport, a curriculum vitae for each of the experts, copies of any and all documents relied upon and testing materials from the experts including input/output data, and any and all other documents regarding the Proposed Heliport. SOAR is also seeking the depositions of all experts to gain further information about their expressed opinions and how those opinions were formed in order to adequately prepare for the upcoming hearing. Lastly, SOAR is seeking to depose any and all other witnesses which CMH or IDOT intends to call as a witness at the public hearing who is not already subject to one of the enclosed subpoenas. These depositions will greatly improve the efficiency and fairness of the upcoming hearing.

11. Because all documentation and testimony sought though the enclosed subpoenas is directly relating to the Proposed Heliport and the positions asserted by CMH, IDOT, and their experts and witnesses, there can be no question that these documents are relevant. They are also material in that they will provide direct support (or will refute) the positions asserted by CMH and IDOT and their experts regarding the alleged safety of the Proposed Heliport. The production of the documents and depositions are imperative to understand and testing the conclusory statements made by CMH. Without this information SOAR and the public will be deprived of a full opportunity to determine whether the proposed project is protective of public safety.

12. These subpoenas will also not result in harassment or undue hardship, inconvenience or expense to the parties subpoenaed. The documents which have been requested are already in the possession of the parties and should be easily compiled, copied, and turned over. Further, the majority, if not all, of the persons to be deposed are retained experts under the control of CMH or IDOT. Lastly, SOAR will work with the parties to try to accommodate their schedules in scheduling these depositions.

WHEREFORE, Streeterville Organization of Active Residents respectfully requests that this motion for subpoenas be granted, that the enclosed subpoenas be issued, and for all other relief deemed just and necessary.

Dated: April 23, 2009

Respectfully submitted,

Streeterville Organization of Active Residents

BY: HINSHAW & CULBERTSON LLP

BY:




Richard S. Porter
One of Its Attorneys

STATE OF ILLINOIS)
)SS.
COUNTY OF WINNEBAGO)

VERIFICATION

I have read and am familiar with the contents of the foregoing document and the attached exhibits, if any. I intend and desire that in granting or denying the relief requested, the Division shall place full and complete reliance upon the accuracy of each and every statement made in this document. I have diligently attempted to ascertain the truth of all such statements. Every statement contained in this document is true and not misleading, to the best of my knowledge and belief.

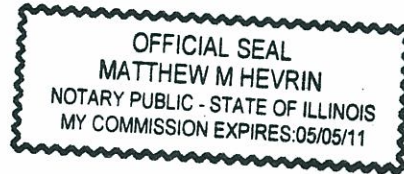


Richard S. Porter

Subscribed and sworn to before me
this 23rd day of April, 2009. <



NOTARY PUBLIC



Richard S. Porter
HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

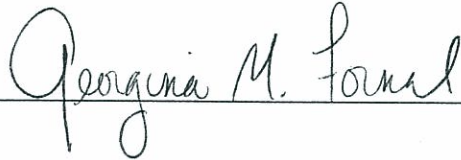
AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on April 24, 2009, a copy of the foregoing **MOTION FOR SUBPOENAS** was served upon:

The Children's Memorial Hospital
c/o Attorney Jack George
Daley & George Ltd.
20 S. Clark Street, Suite 400
Chicago, IL 60603-1835

Illinois Department of Transportation
c/o Attorney Ellen Schanzle-Haskins
2300 S. Dirksen Parkway, Suite 311
Springfield, IL 62703

via regular U.S. Mail, enclosed in an envelope, before the hour of 5:00 P.M., addressed as above.



HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
ph. 815-490-4900
fax 815-490-4901