

Stevens, Gary D

From: Stauffer Brooke [bstaufer@jamsadr.com]
Sent: Monday, May 04, 2009 3:48 PM
To: Schanzle-Haskins, Ellen J; Richard S. Porter; Stevens, Gary D; John J. George
Cc: Neville Richard
Subject: Helipad Hearings - Order No. 1
Attachments: Order 1.pdf

Dear Counsel:

Attached please find Order No. 1.

Best,

Brooke Stauffer



THE RESOLUTION EXPERTS™

Brooke Stauffer

Case Manager

JAMS, *The Resolution Experts*

71 S. Wacker Drive, Suite 3090

Chicago, IL 60606

bstaufer@jamsadr.com

312.655.9191 (Direct Dial)

312.655.0644 (Facsimile)

Need a commercial ADR clause? Click below:

<http://www.jamsadr.com/rules/clauses.asp>

**STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION**

In re: The Matter of the Proposed Children's)	Hon. Richard E. Neville (Ret.)
Memorial Hospital Rooftop Heliport to be)	Hearing Officer & Administrative
Located in Chicago, Illinois)	Law Judge
)	

ORDER NO. 1

This matter coming to be heard on motion of the Streeterville Organization of Active Residents for a hearing and for certain discovery, and Richard E. Neville having been appointed as the Administrative Law Judge and hearing officer, and the parties to this matter having conferred between themselves and with the Judge, the following is set out to begin the procedure for the Public Hearing:

1. Richard E. Neville has been appointed by the Illinois Department of Transportation as the Administrative Law Judge to conduct the public hearing that will seek public comment on the proposed Heliport for Children's Memorial Hospital
2. After several discussions between IDOT, Children's Memorial Hospital, and SOAR, the Streeterville Organization of Active Residents, a written request for a hearing was sent to the Administrative Judge requesting a) a continuance from the original dates set by IDOT of June 3,4 and 6 to a date in mid-July b) that the Judge allow cross examination of witnesses during the hearing and c) that certain depositions of expert witnesses be allowed.
3. The written request was filed on April 29th, 2009.
4. Children's Memorial Hospital has requested time to study the requests and has asked for time to answer the requests.
5. The Illinois Administrative Code provides the authority of the Administrative Law Judge and the requirements for the public hearing.
6. A Conference has been held on May 1, 2009 with representatives all parties attending telephonically to discuss the various issues that are of interest to the parties.

7. After all parties had the opportunity to present their motions and suggestions, and the Judge having heard all of the motions and arguments of the parties and having read the motion of SOAR,

IT IS HEREBY ORDERED:

1. The dates for the Public Hearing are changed and the new hearing dates are July 22, 23, and 24. The hearing will begin at 6:00 pm and continue each night until 10 pm if necessary to complete the presentation of information that IDOT will consider in its decision regarding the Proposed Children's Memorial Hospital Heliport.
2. If necessary, the parties have also agreed to a 4th hearing date on Saturday, July 25 in the afternoon. The exact time of the hearing will be set after IDOT collects the names and presentation time of the interested citizens.
3. Those citizens, public officials, attorneys and experts who may wish to present testimony regarding the Heliport issues will send their name and the approximate length of time they are requesting for their presentations to:


Gary Stevens
1 Langhorne Bond Drive
Springfield, Il 62707-8415
Telephone: 217 785 5746
email: gary.d.stevens@Illinois.gov

4. This hearing will have a transcription of all comments made, which will be prepared shortly after the hearing, and the transcript will be in the possession of IDOT.
5. For those parties who would like to make a statement to be considered as to the Heliport issue, but who would prefer not to make the statement in the main hearing room which will be open to the public, IDOT has made arrangements for a separate court reporter to be present in another room so that statements may be made for the record but in private.
6. The hearing location has not been set but it is anticipated that Northwestern University may provide space for the hearing.
7. The Administrative Law Judge has determined that cross examination of witnesses, whether citizens, attorneys, public officials, or experts, will NOT be allowed. As this is an informational process, and the Judge will not be making any rulings on the core issues, cross examination is not warranted. However, if questions are submitted to the Judge either before or during the hearing, he will

ask those questions which in his discretion advance the information to be gathered during the hearing.

8. At present there are outstanding requests for some discovery. The parties have not yet filed all their positions on the discovery requests and those are now due on May 8, 2009.
9. The Administrative Law Judge has requested the parties to confer and attempt to reach agreement on the discovery issues. If they are not able to do so, another hearing will be held for rulings on those questions and issues.

DATED: May 1, 2009


Hon. Richard E. Neville (Ret.) *BS*
Administrative Law Judge,
Hearing Officer

PROOF OF SERVICE BY EMAIL & U.S. MAIL

Re: Children's Memorial Hospital Helipad Hearings
Reference No. 1340007439

I, Brooke Stauffer, not a party to the within action, hereby declare that on May 4, 2009 I served the attached Order No. 1 on the parties in the within action by Email and by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at Chicago, ILLINOIS, addressed as follows:


Richard S. Porter
Hinshaw & Culbertson, LLP
100 Park Ave.
Rockford, IL 61101
rporter@hinshawlaw.com

Ellen J. Schanzle-Haskins
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764
ellen.schanzle-haskins@illinois.gov

Gary Stevens
One Langhorne Bond Drive
Springfield, IL 62707-8415
gary.d.stevens@Illinois.gov

John J. George
Daley & George, Ltd.
20 S. Clark St., Suite 400
Chicago, IL 60603
JGeorge@daleygeorge.com

I declare under penalty of perjury the foregoing to be true and correct. Executed at Chicago, ILLINOIS on May 4, 2009.


Brooke Stauffer
bstaufer@jamsadr.com