

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

THE REGIONAL TRANSPORTATION
AUTHORITY, et al.,

Plaintiffs,

v.

THE CITY OF KANKAKEE, an Illinois
home rule municipality, the VILLAGE OF
CHANNAHON, an Illinois home rule
municipality, MINORITY DEVELOPMENT
COMPANY, LLC, MTS CONSULTING, LLC,
INSPIRED DEVELOPMENT, LLC,
CORPORATE FUNDING SOLUTIONS, LLC,
and XYZ SALES, INC.

Defendants.

Case No: 11 CH 29744
Consolidated with Cases 11 CH
29745 and
11 CH 34266

NOTICE OF FILING

Please take notice that on November 23, 2011, we caused to be filed with the Clerk of the Circuit Court of Cook County, Illinois, **Defendant City of Kankakee's Answers to Regional Transportation Authority's Interrogatories to Defendant the City of Kankakee and Defendant City of Kankakee's Response to Regional Transportation Authority's Request to Produce**, true and correct copies of which are served upon you.

CITY OF KANKAKEE


One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Katherine M. Shannon, hereby certify that on November 23, 2011, I caused true and correct copies of the foregoing **Defendant City of Kankakee's Answers to Regional Transportation Authority's Interrogatories to Defendant the City of Kankakee and Defendant City of Kankakee's Response to Regional Transportation Authority's Request to Produce** to be served via Electronic Mail and U.S. Mail on the persons listed in the attached Service List.


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

THE REGIONAL TRANSPORTATION
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Plaintiffs,

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THE CITY OF KANKAKEE, an Illinois home rule
municipality, the VILLAGE OF CHANNAHON, an
Illinois home rule municipality, MINORITY
DEVELOPMENT COMPANY, LLC, MTS
CONSULTING, LLC, INSPIRED DEVELOPMENT,
LLC, CORPORATE FUNDING SOLUTIONS, LLC,
and XYZ SALES, INC.

Defendants.

Case No: 11 CH 29744

Consolidated with Cases 11 CH 29745
and
11 CH 34266

**DEFENDANT CITY OF KANKAKEE'S RESPONSE TO
REGIONAL TRANSPORTATION AUTHORITY'S REQUEST TO PRODUCE**

Defendant The City of Kankakee ("Defendant" or "Kankakee") objects and responds to The
Regional Transportation Authority's Interrogatories as follows:

GENERAL OBJECTIONS

1. Defendant objects to the Request to Produce to the extent it purports to impose requirements beyond those imposed by the Illinois Supreme Court Rules and the Illinois Code of Civil Procedure.
2. Defendant objects to the Request to Produce on the grounds that it is overbroad, unduly burdensome and seeks documents that are neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to the Request to Produce to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or doctrine.

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CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
CLERK

4. Defendant reserves the right to excise from any documents which it has otherwise agreed to produce those portions that are not responsive or that are not relevant to the subject matter of the pending action and not reasonably calculated to lead to the discovery of admissible evidence. Any documents from which portions have been excised will be labeled "redacted."

5. Defendant objects to the Request to Produce to the extent it seeks documents and information pertaining to Agreements entered into prior to June 1, 2004 on the grounds that these documents and information are irrelevant to the subject matter of the pending action pursuant to the terms of 65 ILCS 5/8-11-21.

6. Defendant objects to the Request to Produce to extent that it seeks confidential documents and information protected from disclosure under the confidentiality requirements of Section 11 of the Illinois Retailers' Occupation Tax Act, 35 ILCS 120/11. Because of this statutory prohibition on disclosure, Defendant will not produce any protected tax information absent a court order.

7. Defendant objects to the Request to Produce to the extent that it seeks confidential documents and information that Defendant is contractually precluded from producing pursuant to any Agreement between Defendant and Broker, as Broker is defined in your First Set of Document Requests.

8. Defendant objects to the Request to Produce to the extent it would require production of documents or information that is the subject of the pending action for injunctive relief filed by Inspired Development, LLC and currently pending before the Circuit Court of the Twelfth Judicial District, Will County, Illinois.

9. Defendant objects to the Request to Produce to the extent it seeks documents and/or information that is not relevant to the Court's determination of proper venue under 735 ILCS 5/2-103(a).

OBJECTIONS AND RESPONSES TO SPECIFIC REQUESTS

1. Any communications (including but not limited to e-mails, letter correspondence, notes of phone calls, or text messages) between you or any of your agents and any of the Private Defendants in this case for the period January 1, 2000, to date (the "Time Period").

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 1 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

2. Any communications (including but not limited to e-mails, letter correspondence, notes of phone calls, or text messages) between you or any of your agents and any other public or private entity concerning any agreements, including but not limited to economic development agreements which involve sales tax rebates, for the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 2 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which

are expressly exempted from liability under 65 ILCS 5/8-11-21). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

3. All documents, including but not limited to meeting minutes, referencing any of the Private Defendants for the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 3 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

4. All contracts (and amendments) between you and any of the Private Defendants in this case.

Response: Without waiving and subject to its General Objections, which are incorporated herein by reference, Kankakee will produce the requested agreements with the Private Defendants upon entry of an appropriate protective order.

5. All documents showing or evidencing the amounts of money you have paid to each of the Private Defendants in each year during the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 5 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21). Defendant further objects to the extent that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request. Without waiving and subject to these objections, Defendant states it has produced its yearly Treasurer Reports beginning with the fiscal year that ended April 30, 2003 through the fiscal year that ended April 30, 2010 (Bates Nos. KANK000001-000129) and that Defendant will produce its Treasurer Report for the fiscal year that ended April 30, 2011 when it is completed and available.

6. All documents containing descriptions of meetings between you and any of the Private Defendants in this case during the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 6 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of

the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

7. All documents containing descriptions of meetings between you and any other public or private entity concerning any agreement, including but not limited to, economic development agreements which involve sales tax rebates.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 7 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

8. All agreements, including but not limited to, economic development agreements (and amendments) which involve sales tax rebates between you and any private entity other than the Private Defendants.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 8 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which

are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

9. All documents referring to, describing, or identifying any retailer which any of the Private Defendants asserts it has attracted to your municipality.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 9 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

10. Any report or document which any Private Defendant has provided to you with respect to a retailer the Private Defendant alleges to have attracted to your municipality, including but not limited to, any such reports required by an economic development agreement, during the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 10 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

11. Any files which you have maintained in respect to any of the retailers allegedly attracted to your municipality by any of the Private Defendants during the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 11 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing

the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

12. To the extent not produced in the response to the Request 11, any documents which you have maintained in respect to any of the retailers allegedly attracted to your municipality by any of the Private Defendants during the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 12 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

13. Any communications (including but not limited to e-mails, letter correspondence, notes of phone calls, or text messages) between you or any of your agents and any of the retailers allegedly attracted to your municipality by any of the Private Defendants during the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 13 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it

seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

14. All documents containing descriptions of meetings between you and any of the retailers allegedly attracted to your municipality by any of the Private Defendants during the Time Period.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 14 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

15. Any economic or financial analysis you or any consultant or other party acting on your behalf has performed showing the economic effects of any agreements, including but not limited to, economic development agreements which involve sales tax rebates.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 15 on the grounds that it is overly broad,

unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

16. Any file that you maintain on any of the Private Defendants.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 16 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

17. All FOIA requests you have received relating to any agreements, including but not limited to, economic development agreements involving sales tax rebates and your responses to those requests during the Time Period.

Response: Without waiving and subject to its General Objections, which are incorporated herein by reference, Kankakee will produce documents responsive to Request 17.

18. Documents showing that each of the retailers attracted to your community under any agreements which involve a sales tax rebate were not previously subject to payment of sales tax in the state of Illinois.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 18 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

19. Any and all documents, items of a tangible nature, articles, excerpts, graphs, photographs, slides, diagrams or any demonstrative evidence which may be used in the examination or cross-examination or any witness in a discovery or evidence deposition, or at trial including any reports prepared by witnesses disclosed pursuant to Illinois Supreme Court Rule 213.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 19 to the extent that the Request is premature

because it seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a).

20. All documents relating to your policy on sales tax sharing including:
 - a. All correspondence enticing or promoting Kankakee's tax sharing agreements or proposed agreements; and
 - b. Any board meeting notes or records relating to tax sharing agreements.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 20 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and/or to the extent that it seeks documents or information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

21. All documents demonstrating how much revenue you raise each year from sales tax sharing agreements.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 21 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004

(which are expressly exempted from liability under 65 ILCS 5/8-11-21). Defendant further objects on the to the extent that it is prohibited from producing the requested documents and/or divulging the taxpayer information contained therein by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from producing the requested documents pursuant to contractual confidentiality obligations set forth in the agreements referenced in the Request.

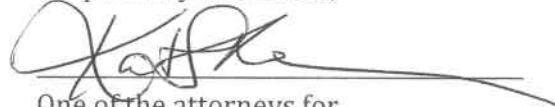
Without waiving and subject to these objections, Defendant states it has produced its yearly Treasurer Reports beginning with the fiscal year that ended April 30, 2003 through the fiscal year that ended April 30, 2010 (Bates Nos. KANK000001-000129) and that Defendant will produce its Treasurer Report for the fiscal year that ended April 30, 2011 when it is completed and available.

22. All documents referencing the FACTS Coalition.

Response: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 22 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request purports to require production of documents relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21).

Dated: November 23 2011

Respectfully submitted,



One of the attorneys for
Defendant City of Kankakee

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Defendants.

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**DEFENDANT CITY OF KANKAKEE'S ANSWERS TO REGIONAL TRANSPORTATION
AUTHORITY'S INTERROGATORIES TO DEFENDANT THE CITY OF KANKAKEE**

Defendant The City of Kankakee ("Defendant") objects and answers The Regional
Transportation Authority's Interrogatories to Defendant the City of Kankakee as follows:

GENERAL OBJECTIONS

1. Defendant objects to the Interrogatories to the extent they purport to impose requirements beyond those imposed by the Illinois Supreme Court Rules and the Illinois Code of Civil Procedure.
2. Defendant objects to the Interrogatories on the grounds that they are overbroad, unduly burdensome and seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to the Interrogatories to the extent they seek information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or doctrine.

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4. Defendant objects to the Interrogatories to the extent they seek information pertaining to Agreements entered into prior to June 1, 2004 on the grounds that this information is irrelevant to the subject matter of the pending action pursuant to the terms of 65 ILCS 5/8-11-21.

5. Defendant objects to the Interrogatories to extent that they seek information protected from disclosure under the confidentiality requirements of Section 11 of the Illinois Retailers' Occupation Tax Act, 35 ILCS 120/11. Because of this statutory prohibition on disclosure, Defendant will not disclose any protected tax information absent a court order.

6. Defendant objects to the Interrogatories to the extent that they seek information Defendant is barred from disclosing pursuant to any Confidentiality Provision of an Economic Incentive Agreement between Defendant and any retailer or Broker. Because of this contractual prohibition on disclosure, Defendant will not disclose any protected information absent a court order.

7. Defendant objects to the Interrogatories to the extent they would require disclosure of information that is the subject of the pending action for injunctive relief filed by Inspired Development, LLC and currently pending before the Circuit Court of the Twelfth Judicial District, Will County, Illinois.

8. Defendant objects to the Interrogatories to the extent they are premature because they seek disclosure of information that is not responsive or relevant to the issue of venue under 735 ILCS 5/2-103(a).

OBJECTIONS AND ANSWERS TO SPECIFIC INTERROGATORIES

1. Identify each person involved (for both sides) in negotiating each of the economic development agreements (and any amendments) between you and any of the Private Defendants.

Answer: Kankakee has economic incentive agreements (“agreements”) with the following Private Defendants: MTS Consulting, LLC (hereinafter, “MTS Consulting”), Inspired Development, LLC (hereinafter, “Inspired Development”), Corporate Funding Solutions, LLC (hereinafter, “CFS”) and XYZ Sales, Inc. (hereinafter, “XYZ Sales”). Kankakee does not have an agreement with Minority Development Company, LLC. Kankakee’s agreement with MTS Consulting was negotiated by Donald Green on behalf of Kankakee and David Porush and Benjamin M. Klein on behalf of MTS Consulting. Kankakee’s agreement with Inspired Development was negotiated by Donald Green on behalf of Kankakee and Donald Sloan and Patrick E. Fahey on behalf of Inspired Development. Kankakee’s agreement with CFS was negotiated by Donald Green on behalf of Kankakee and Patrick A. Nasi, Scott D. Russell and Susan M. Russell on behalf of CFS. Kankakee’s agreement with XYZ Sales was negotiated by Donald Green on behalf of Kankakee and James H. Kane on behalf of XYZ Sales.

2. Identify each person involved (for both sides) in administering each of the economic development agreements (and any amendments) between you and any of the Private Defendants.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 2 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21) and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Kankakee further objects on the grounds that the term “administering” is vague and ambiguous. Without waiving and subject to these objections, Kankakee states that the following Kankakee officials and/or employees have been involved in Kankakee’s performance under the economic incentive

agreements between Kankakee and the other Private Defendants: James Spice, L. Patrick Power and Tammie Seedorf. To the extent that this ^{Request} ~~Interrogatory~~ seeks information regarding entities other than Kankakee, Kankakee objects on the basis that this Interrogatory is more appropriately directed to those entities.

3. Identify all of the entities with which you have an economic development agreement which involves a sales tax rebate.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 3 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from divulging taxpayer information by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from answering pursuant to contractual confidentiality obligations set forth in the Rebate Agreements.

4. Identify the retailers which have allegedly been attracted at any time to your municipality by any of the Private Defendants. For each retailer, identify which Private Defendant allegedly attracted that retailer to your municipality.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 4 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks

information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from divulging taxpayer information by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from answering pursuant to contractual confidentiality obligations set forth in the Rebate Agreements.

5. For each retailer identified in the preceding Interrogatory, set forth: (a) the trade name of the retailer; (b) a description of the trade or business the retailer allegedly conducts in your municipality, including a description of the products sold; (c) the address(es) at which the retailer allegedly makes such sales; (d) where the retailer conducted sales before allegedly conducting sales in your municipality; and (e) the dates of contracts (and any amendments to such contracts) between such retailer and any of the Private Defendants.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 5 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from divulging taxpayer information by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from answering pursuant to contractual confidentiality obligations set forth in the Rebate Agreements.

6. Identify the business address(es) in your municipality of each of the Private Defendants.

Answer: MTS Consulting has offices located at 1975 E. Court St., Kankakee IL. Inspired Development has offices located at 150 N. Schuyler Ave., Suite 1009, Kankakee IL. CFS has offices located at 388 E. Court St., Suite 201, Kankakee IL. To the best of Kankakee's information and belief, XYZ Sales has never entered into an economic incentive agreement with a retailer or otherwise performed under its agreement with Kankakee. Further, Kankakee has never rebated or shared any

Retailers' Occupation Tax with XYZ Sales or any retailer with whom XYZ Sales may have an agreement. Kankakee has no information regarding XYZ Sales' Kankakee business address.

7. Describe the physical size of the Private Defendants' offices at each business address set forth in your response to Interrogatory No. 6, and what business equipment is present.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 7 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Further, Kankakee objects to Request No. 7 on the grounds that it seeks information in the possession, custody, or control of the Private Defendants and is better directed to them.

8. Describe how many retail businesses are supported or operated from each of the business addresses set forth in your response to Interrogatory No. 6.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 8 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from divulging taxpayer information by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from answering pursuant to contractual confidentiality obligations set forth in the Rebate Agreements.

9. Identify each of the retail businesses supported or operated from each of the business addresses set forth in your response to Interrogatory No. 6.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 9 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from divulging taxpayer information by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from answering pursuant to contractual confidentiality obligations set forth in the Rebate Agreements.

10. Identify your custodian(s) for maintaining records relating to the economic development agreements and the performance of all requirements thereunder.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 10 to the extent that the Request is premature because it seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Subject to and without waiving these objections, Kankakee states that persons identified in Kankakee's responses to Interrogatories Nos. 1 and 6, above, maintain records regarding Kankakee's performance under the economic incentive agreements.

11. Identify the fund name(s) within your yearly budget and monthly budget reports relating to the economic development agreements which involve sales tax rebates.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 11 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of

information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from divulging taxpayer information by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from answering pursuant to contractual confidentiality obligations set forth in the Rebate Agreements. Without waiving and subject to these objections, Kankakee states that its annual Treasurer Reports (copies of which were previously produced) contain information regarding total annual payments made to MTS Consulting, Inspired Development and CFS under their economic incentive agreements with Kankakee.

12. List each member of your staff that works on promoting and maintaining sales tax sharing agreements, also list your yearly cost for monitoring and attracting agreements.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 12 on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that the Request requires disclosure of information relating to Rebate Agreements in existence prior to June 1, 2004 (which are expressly exempted from liability under 65 ILCS 5/8-11-21), and to the extent that the Request seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a). Defendant further objects on the grounds that it is prohibited from divulging taxpayer information by Section 11 of the Retailers' Occupational Tax Act, 35 ILCS 120/11; and that it is further precluded from answering pursuant to contractual confidentiality obligations set forth in the Rebate Agreements. Defendant further objects on the grounds that the terms "promoting," "maintaining," "monitoring" and "attracting" are vague and ambiguous as used. Without waiving and subject to these objections,

Kankakee responds by incorporating by reference its responses to Interrogatories Nos. 1 and 6, above.

13. Pursuant to Illinois Supreme Court Rule 213(f)(1), state the name, current address, and telephone number of each lay witness who will give fact or lay opinion testimony at trial, and for each such witness, identify the subjects on which the witness will testify.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 13 to the extent that the Request is premature because it seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a).

14. Pursuant to Illinois Supreme Court Rule 213(f)(2), state the name, current address, and telephone number of each independent expert witness who will give testimony as an expert at trial, and for each such witness, identify the subjects on which the witness will testify and the opinions the witness will give.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 14 to the extent that the Request is premature because it seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a).

15. Pursuant to Illinois Supreme Court Rule 213(f)(3), state the name, current address, and telephone number of each controlled expert witness who will give testimony as an expert at trial, and for each such witness, identify: (i) the subject matter on which the witness will testify; (ii) the conclusions and opinions of the witness and bases therefor; (iii) the qualifications of the witness; and (iv) provide any reports the witness has prepared which refer to, relate to or regard the subjects on which the witness will testify and the conclusions and opinions of the witness and the bases therefor.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 15 to the extent that the Request is premature because it seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a).

16. For each controlled expert witness identified in Interrogatory No. 4, state the case names and case numbers of all other cases in which each such opinion witness has testified at trial within the last three (3) years.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 16 to the extent that the Request is premature because it seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a).

17. State the name and present address of each person known to the Defendant who has knowledge of facts bearing upon or relating to this lawsuit and summarize the facts known to each.

Answer: In addition to its General Objections, which are incorporated herein by reference, Defendant further objects to Request No. 17 to the extent that the Request is premature because it seeks information not otherwise relevant to the issue of venue under 735 ILCS 5/2-103(a).

Without waiving and subject to these objections, Kankakee states that the persons identified in Kankakee's responses to Interrogatories Nos. 1 and 6, above, have knowledge of facts regarding the economic incentive agreements at issue in this case. Such persons can be reached through the undersigned counsel.

Dated: November 23, 2011

Respectfully submitted,



One of the attorneys for
Defendant City of Kankakee

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

THE REGIONAL TRANSPORTATION
AUTHORITY, et al.,

Plaintiffs,

v.

THE CITY OF KANKAKEE, an Illinois
home rule municipality, the VILLAGE OF
CHANNAHON, an Illinois home rule
municipality, MINORITY DEVELOPMENT
COMPANY, LLC, MTS CONSULTING, LLC,
INSPIRED DEVELOPMENT, LLC,
CORPORATE FUNDING SOLUTIONS, LLC,
and XYZ SALES, INC.

Defendants.

Case No: 11 CH 29744
Consolidated with Cases 11 CH
29745 and
11 CH 34266

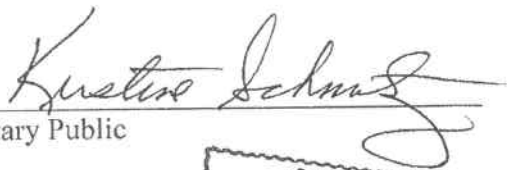
VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the foregoing **Defendant City of Kankakee's Answers to Regional Transportation Authority's Interrogatories to Defendant the City of Kankakee** are true and correct to the best of his knowledge, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

By: 

L. Patrick Power

Subscribed and sworn to before me by L. Patrick Power this 22nd day of November, 2011.


Notary Public

My Commission Expires

