

MEYERS & FLOWERS
TRIAL ATTORNEYS

3 NORTH SECOND STREET, SUITE 300
ST. CHARLES, ILLINOIS 60174
PHONE (630) 232-6333
FACSIMILE (630) 845-8982
www.meyers-flowers.com

CHICAGO OFFICE
225 W. WACKER DRIVE
SUITE 1515
CHICAGO, ILLINOIS 60606
(312) 214-1017

PARTNERS
TED A. MEYERS
PETER J. FLOWERS
CRAIG D. BROWN
RYAN P. THERIAULT
BRIAN J. PERKINS

January 19, 2016

Joseph White, Chairman
Kane County Zoning Board of Appeals
719 Batavia Avenue
Geneva, IL 60134

In Re: Maxxam Partners, LLC's Petition for Special Use -- Petition No. 4364

Dear Chairman White:

We are in receipt of the Eight Orders to Compel Appearance that you issued in the above ZBA Petition. Please be advised that, with the exception of the two individuals that require clarification as described below, it has always been our intent to have the parties available to appear before the Kane County ZBA in this matter on January 19, 2016. Accordingly, the following six individuals will be present on January 19, 2016 at 7:00 p.m. to testify if required and called upon to do so:

Chris Lannert
Dr. Peter J. Poletti
William Woodard
Michael MaRous
Steven Marco
Ryan Bailey

With respect to the other two individuals included in your Orders to Compel (Hart Passman and Monica Hon), please note the following:

Hart Passman is a partner at the law firm Holland & Knight. Mr. Passman and his firm are part of the legal team representing the petitioner, Maxxam Partners, in this matter. His firm's legal opinion was included along with ours in the zoning application to provide clarification regarding legal issues. Neither his firm nor ours are offering our opinions for the purpose of expert testimony, or for testimony of any kind. We suspect that there was a misunderstanding as to the role of Mr. Passman and Holland & Knight in this matter, and we trust that this explanation will make clear that Mr. Passman, as legal counsel to the petitioner, should not be called to testify in this matter. As a matter of housekeeping, we note that Mr. Passman will not be present at the hearing on January 19 as he is the Village Attorney for the Village of Carpentersville, Kane County, IL, and is required to attend that Village's regularly scheduled Village Board of Trustees meeting at that time.

MEYERS & FLOWERS
TRIAL ATTORNEYS

Ms. Monica Hon and Mr. Ryan Bailey are both members of Murer Consultants. As we have previously discussed with the County's attorneys, the testimony that the two individuals would offer is the same. Therefore, we have requested to have only one member of the firm present. Accordingly, we trust that it will be satisfactory to the ZBA that only Mr. Bailey will be present and available to testify on January 19.

We appreciate the time and efforts of you and your Board, and look forward to continuing our presentation of our Petition.

Sincerely,



Andrew E. Kolb
Attorney for the Petitioner

Maxxam Partners, LLC

Witness List

- F. Keith Brown, Esq. – Meyers & Flowers, LLC
- Andrew E. Kolb, Esq. – Meyers & Flowers, LLC
- Christopher Lannert – Lannert Group
- Monica Hon – Murer Consultants, Inc.
- Ryan Bailey – Murer Consultants, Inc.
- Michael S. MaRous – MaRous & Company (Market Impact Study)
- Hart M. Passman – Holland & Knight, LLP
- Peter Poletti – Poletti & Associates
- John Sheaffer, Jr. - Sheaffer & Roland, Inc.
- William Woodward – KLOA – Kenig, Lindgren, O’Hare, Aboona, Inc.
- Trina Diedrich – Illinois Department of Human Services’ Division of Alcoholism and Substance Abuse
- James Marcus – Independent validation of findings within Retreat Letter