

STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLATE ST., STE. C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:)
)
WILLIAM HABEL, as a member of the)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS, LOCAL 701,)
)
PETITIONER(S),) STATE FILE NO. 2018-H-PK08-1961
)
v.)
)
JOSEPH BEYER, ACTING DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)
ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to Respondents' Motion for Extension of Time in which to File a Reply and Complainant's Motion for a Third-Party Subpoena, and any and all other Motions filed, 56 Illinois Administrative Code 120.301 all parties having been duly advised in the premises issues this order;

PETITIONER'S MOTION FOR A THIRD-PARTY SUBPOENA

Petitioner moved to issue a subpoena for Benno Weisberg, attorney representing the Illinois Department of Labor to appear and testify to email communications and verbal communications between the Department and Petitioner. The testimony would center on the parties pre-November 6, 2017 settlement agreement that is no longer in effect between the parties.

Specifically, other means exist to elicit the facts surrounding the circumstances of the no longer in effect pre-November 6, 2017 agreement. Because there are other means in existence to elicit testimony regarding the now defunct settlement agreement, Petitioner's Motion for a Third-Party Subpoena for Mr. Weisberg's testimony is denied.

IT IS HEREBY ORDERED:

1. Respondents' Motion For Extension of Time In Which To File A Reply In Further Support of Their Motion to Dismiss is granted. Respondents are granted leave to file a reply on January 19, 2018.
2. Petitioner's Motion for a Third-Party Subpoena is denied. In light of this decision, Petitioner is granted leave to file any motions necessary for any additional Third-Party Subpoenas needed on or before January 24, 2018. Petitioner is also granted leave to amend its

witness list to include any individual subpoenaed through this method on or before January 26, 2018.

3. By agreement of the parties this matter will be heard on February 8, 2018 at 9:00 a.m. at 160 N. LaSalle St., Ste. C-1300, Chicago, IL 60601.

DATE: 1/17/18

/s/ Claudia D. Manley

Claudia D. Manley

Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
DOL.hearings@illinois.gov

NOTE: Entrance into the building requires security screening and production of valid government issued photo identification.

STATE OF ILLINOIS)
)
)
COUNTY OF COOK)

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Ann Harrison a non-attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2018-H-PK-08-1961 and a copy of the Certificate of Service in an envelope addressed to each party or party's agent at the respective address shown on the Order or on the Certificate of Service, having caused each envelope to be served by U.S. mail with postage prepaid at 100 W. Randolph Street, Chicago, Illinois on the 18 day of January, 2018 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

John J. Toomey
Arnold and Kadjan LLP
35 E. Wacker Dr., Ste. 600
Chicago, IL 60601
Jtoomey100@hotmail.com

Via Hand Delivery:

Benno Weisberg
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
bweisberg@illinois.gov

/s/ Ann Harrison *ah*
Executive Secretary
Illinois Department of Labor