

ILLINOIS POLLUTION CONTROL BOARD
May 16, 2024

PAUL C. PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 23-13
) (Citizens Enforcement - Water)
 LISLE TOWNSHIP ROAD DISTRICT,)
)
 Respondent.)

ORDER OF THE BOARD (by M.D. Mankowski):

On July 12, 2022, Paul C. Pratapas filed a complaint against Lisle Township Road District (Lisle Township). The complaint concerns Lisle Township's curb repair work off Chicago Avenue in Naperville, DuPage County (Site). On July 15, 2022, the complainant filed proof of service showing service by certified mail on July 12, 2022.

On August 10, 2022, Lisle Township filed a motion for extension of time to file a motion that the formal complaint is frivolous, to which complainant did not respond. On August 25, 2022, respondent's motion was granted by the hearing officer.

On September 7, 2022, complainant filed a motion to modify the formal complaint (Comp. Mot.) to include state law claims under the Illinois Environmental Protection Act (Act). On September 9, 2022, Lisle Township timely filed its motion to declare the formal complaint is frivolous (Resp. Mot.). On October 20, 2022, the Board found the complaint, as modified by the order, neither duplicative or frivolous and accepted it for hearing. On November 21, 2022, Lisle Township filed its answer and affirmative defenses.

On December 8, 2022, Lisle Township submitted a revised agreed proposed discovery schedule. On December 12, 2022, the hearing officer accepted the proposed discovery schedule contingent on deadlines within the hearing officer order.

On February 15, 2023, the hearing officer held a status conference. Complainant did not appear at the status conference. On February 23, 2023, respondent filed a revised proposed discovery schedule. On February 28, 2023, the hearing officer accepted the proposed discovery schedule. The hearing officer's order established a discovery schedule that included disclosure of complainant's witnesses by March 24, 2023; parties to propound written discovery before April 28, 2023; parties to answer discovery by May 26, 2023; and parties to complete depositions of fact witnesses by June 23, 2023. The hearing officer also scheduled a status conference on June 22, 2023.

The status conference took place as scheduled on June 22, 2023. The hearing officer's order reported that complainant did not appear after respondent provided complainant a call-in

number on June 15, 2023. The hearing officer scheduled a status conference for September 13, 2023, which the hearing officer re-scheduled for September 25, 2023.

On August 9, 2023, respondent filed a motion to dismiss for want of prosecution (Mot.). The respondent's motion, among other things, argued that complainant had not appeared on the last two status conferences, nor disclosed any witnesses, propounded any written discovery, or deposed any fact witnesses in compliance with the discovery order issued February 28, 2023, hearing officer order. Mot. at 2-3.

On August 9, 2023, complainant filed a response to the motion to dismiss (Resp.) arguing in part that he has been ready to proceed since filing the formal complaint and that respondent was delaying the proceedings by filing motions. Resp. at 1.

On September 1, 2023, respondent filed a reply brief in favor of its motion to dismiss for want of prosecution.

Beginning April 8, 2024, Mr. Pratapas sent a series of emails containing harassing and inappropriate language directed at the hearing officer, Board staff, and other unknown individuals who are not parties to this case. On April 25, 2024, the hearing officers assigned to this matter cautioned Mr. Pratapas that "neither the Board Members nor the hearing officers will tolerate intemperate language and threats." April 25, 2024 Hearing Officer Order, citing Paul Christian Pratapas v. Lexington Trace LLC and Lexington Trace 2 LLC, PCB 24-42.

The Board electronically served Mr. Pratapas and counsel for Lisle Township the hearing officer order on April 25, 2024. Later that day, Mr. Pratapas sent a series of emails to the hearing officers and counsel for Lisle Township, culminating in an email to one of the hearing officers stating complainant would not participate in the Board's "kangaroo kourt". Those emails have been docketed in this matter.

On May 1, 2024, a status conference took place. The hearing officer's order reported that complainant did provide a telephone number and did not participate.

By failing to participate in discovery and for continuing to send highly inappropriate emails, Mr. Pratapas has unreasonably failed to comply with the directives of the Board's hearing officers' February 28, 2023 and April 25, 2024 orders. Under that order and the Board's authority to impose sanctions (35 Ill. Adm. Code 101.800), the Board grants Lisle Township's motion, dismisses this complaint with prejudice and closes the docket.

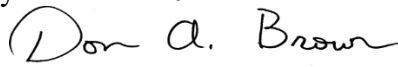
IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final

orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Paul Christian Pratapas 545 N. Mendenhall Road #8 Memphis, TN 38117 Paulpratapas@aol.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren Street Suite 630 Chicago, Illinois 60605 Don.Brown@illinois.gov
Ancel Glink David S. Silverman, Jaime C. Such, Kathy Holmes, Megan Mack 140 South Dearborn Street, 6th Floor Chicago, Illinois 60603 dsilverman@ancelglink.com jsuch@ancelglink.com kholmes@ancelglink.com mmack@ancelglink.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 16, 2024, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board