

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Doug and Geri Boyer,)	
)	
Complainants,)	
)	PCB #22-9
v.)	
)	(Enforcement)
MRB Development, LLC d/b/a)	
Copper Fire, Renae Eichholz, and)	
Mark Eichholz)	
)	
Respondents)	

RESPONDENT RENAE EICHHOLZ AND MARK EICHHOLZ
MOTION TO DISMISS THE INDIVIDUAL RESPONDENTS

The individual respondents Renae and Mark Eichholz must be dismissed from this enforcement action as they have no individual liability for the alleged actions of the LLC in this matter under 805 ILCS 180/10-10(a), and complainants have offered no basis why the Eichholz need to be included as Respondents. “Except as otherwise provided in subsection (d) of this Section, the debts, obligations, and liabilities of a limited liability company, whether arising in contract, tort or otherwise, are solely the debts, obligations, and liabilities of the company.” 805 ILCS 180/10-10(a) (2020). In this matter, Renae and Mark Eichholz are members of MRB Development LLC, and MRB Development LLC is operating as Copper Fire. If there is noise in excess of the Illinois EPA laws and regulations from the activities of Copper Fire, which is denied, MRB Development LLC will be the legal entity responsible for remediating the noise.

WHEREFORE, Renae and Mark Eichholz respectfully requests that this Motion to Dismiss be granted and that they be dismissed from this enforcement action. Respondents request all other relief that is just and proper.

Respectfully submitted,

Dated: December 6, 2021

GREENSFELDER, HEMKER & GALE, P.C.



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d/b/a Copper Fire, Renae Eichholz, and
Mark Eichholz

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the date of 6th day, 2021 this document upon the following person by depositing the document in a U.S. Postal Service mailbox by 6:00 p.m., with proper postage prepaid to:

Matthew A. Jacober
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*Attorneys for Complainants,
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Paul E. Petruska