

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

---

DOUG and GERI BOYER,

Complainants,

v.

MRB DEVELOPMENT, LLC d/b/a  
COPPER FIRE; RENAE EICHHOLZ; and  
MARK EICHHOLZ,

Respondents.

---

PCB 22-9

(Enforcement)

**COMPLAINANTS' FIRST SET OR INTERROGATORIES TO RESPONDENTS**

Complainants Doug and Geri Boyer (“the Boyers”) by and through their undersigned attorneys, hereby propound their First Set of Interrogatories directed to Respondents MRB Development, LLC (“MRB”), and Renae and Mark Eichholz (“the Eichholz”) (collectively, “Respondents”), as follows:

**GENERAL INSTRUCTIONS**

- A. An answer or other appropriate response must be given to each interrogatory.
- B. Please make each Answer as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, please answer it to the extent possible.
- C. Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If a document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

D. Please re-type each interrogatory immediately before your response for convenience.

E. Each interrogatory must be answered separately and fully in writing by Respondents, unless it is objected to, in which event counsel for Respondents shall state the reasons for and shall answer to the extent not objectionable.

F. These discovery requests are continuing and must be supplemented in a timely and reasonable manner in the event any undisclosed information comes to the attention, possession, custody, or control of the answering party subsequent to the filing of responses hereto.

#### **DEFINITIONS**

A. "Complaint" means the Complaint filed in this action and any amendments or supplements thereto.

B. "You," "Your," "Respondents," "MRB," or "the Eichholz" means Respondent(s) in this action, MRB Development, LLC and Renae and Mark Eichholz, and everyone acting at Your direction or on Your behalf.

C. The "Boyer Residence and Offices" refers to the property located at 208 East Main Street, Belleville, St. Clair County, Illinois 62220, including the first floor which is leased to Kaskaskia Engineering Group, LLC and the upper floors containing eight residential lofts.

D. "Copper Fire Bar/Restaurant," or "Copper Fire" refers to Respondents' bar/restaurant located at 200 East Main Street, Belleville, St. Clair County, Illinois 62220.

E. "Communication" includes, but is not limited to, any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written, oral or electronic, and including without limitation

all discussions, meetings, telephone or radio communications, email, text messages, or messages through social media channels.

F. “Documents” and “records” means the complete original and any non-identical copy (whether different from the original because of changes, notations, markings, or stamps, on the copy of otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, graphic, electronic or other media of every type and description, however and by whomever prepared, produced, disseminated or made, including any electronically stored information, emails, films, videos, pictures, photographs, data, papers, letters, correspondence, memoranda, faxes, inter-office communications, spreadsheets, telegrams, statements, affidavits, pleadings, stenographic or handwritten notes, notations, notebooks, reports, receipts, contracts, files, screen shot, indexes, maps, tabulations, outlines, power points, scripts, diaries, logs, journals, agendas, minutes, code books, labels, invoices, instructions, manuals, books, calendars, schedules, diagrams, studies, publications, pamphlets, drawings, schematics, graphs, charts, tax forms, forms, microfilms, microfiche, computations, tapes, printouts, and any other form of media.

G. “Evidence,” “evidencing,” “relating,” “regarding,” “supporting,” or any conjugation thereof mean consisting of, referring to, reflecting, concerning, relating to, or being in any way logically or factually connected with the matter discussed.

### **INTERROGATORIES**

1. Please states:
  - a. The name, address, and phone number of the person or persons answering these interrogatories;
  - b. His/her relationship to You; and
  - c. His/her position of employment.
2. Identify all persons, known to You, who have information or knowledge with respect to any factual matters related to any of the allegations in the Complaint and/or the defenses

set forth in Your Answer. Include the address, telephone number, occupation, and title or position for each person listed and a description of the subject matter of the person's knowledge.

3. State whether written or recorded statements have been obtained from any persons mentioned in the answer to Interrogatory No. 2 above with regard to the facts or circumstances surrounding the allegations in the Complaint and/or defenses set forth in Your Answer. If so, state the name, address, employer, and job title of the persons presently having control or custody of such statements.

4. Identify all communications, whether written, oral or electronic, between You and any party to this Litigation or third party (except communications with counsel) related to the allegations in the Complaint and/or defenses set forth in Your Answer including:

- a. The approximate date of the communication;
- b. The parties to the communication;
- c. The form of the communication, whether written, electronic or oral;
- d. If oral, a brief description of the content of the communication; and
- e. If written or electronic, produce copies of the communication(s) with your response.

5. Identify every complaint, protest, grievance, criticism, warning, and/or charge you have received in relation to noise or sound emanated from Copper Fire from January 2020 to present, including: (a) the date of the complaint; (b) the nature of the complaint; (c) the person(s) complaining and/or source of the complaint; (d) if any music or band was playing at Copper Fire at the time of the complaint, and, if so, the name of the band or performer and a description of the music being played; (e) the time of the complaint; (f) whether you took any actions to remediate and/or decrease sound in response to the complaint (if yes, describe remediation efforts); and (g) whether any there is any document or communication evidencing the complaint, protest, grievance, criticism, and/or charge.

6. Identify every remedial effort You have taken to address concerns, complaints, protests, grievances, criticisms, warnings and/or charges regarding noise and/or sound emanating from Copper Fire from January 2020 to present. For each, include the date and time each remediation effort was completed, and state if the effort was/is permanent.

7. Identify each of the “many changes” You alleged in Your Answer to Paragraph 17 of the Complaint. For each, include the date and time of each change and state whether the change was/is permanent.

8. Identify each of the changes You have implemented since the Boyers’ sound testing was conducted, as asserted in Your second Affirmative Defense. For each, include the date and time each change was completed, and if the change was/is permanent.

9. Identify every band or performer that has played at Copper Fire from January 2020 to present. For each, provide:

- a. The name of the band or performer;
- b. The date(s) they performed;
- c. The time(s) they performed;
- d. The number of performers in each;
- e. The types of instruments played;
- f. Whether the performance occurred inside or outside Copper Fire;
- g. A description of the style of music played; and
- h. The contact information for the band or performer.

10. Identify every written or oral noise and/or sound complaints, warnings, protests, grievances, criticisms, and/or charges You have received or have been issued to You and/or Copper Fire from January 2020 to present, including:

- a. The approximate date;
- b. The parties lodging the complaint;
- c. The form of the communication, whether written, electronic or oral;
- d. If oral, a brief description of the content of the communications that occurred; and
- e. If written or electronic, produce copies of the communication(s) with your response.

Dated: April 4, 2022

**LATHROP GPM LLP**

*/s/Matthew Jacober*

Matthew Jacober (IL #6256140)

7701 Forsyth Boulevard

Suite 500

Clayton, MO 63105

(314) 613-2845

Matthew.Jacober@LathropGPM.com

Brooke Robbins (MN #401904)

500 IDS Center

80 South 8<sup>th</sup> Street

Minneapolis, MN 55402

(612) 632-3472

Brooke.Robbins@LathropGPM.com

**ATTORNEY FOR COMPLAINANTS  
DOUG AND GERI BOYER**

**CERTIFICATE OF SERVICE**

It is hereby certified that true and correct copies of the foregoing Appearance were served via email on April 4, 2022, upon the following:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794  
[Carol.Webb@illinois.gov](mailto:Carol.Webb@illinois.gov)

Don Brown  
Clerk of Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
[Don.Brown@illinois.gov](mailto:Don.Brown@illinois.gov)

Paul E. Petruska  
Greensfelder, Hemker and Gale, PC  
12 Wolf Creek Drive  
Suite 100  
Belleville, IL 62226  
[ppetruska@greensfelder.com](mailto:ppetruska@greensfelder.com)  
Attorneys for Respondents

*/s/Matthew Jacober*  
Matthew Jacober