

**THE ILLINOIS POLLUTION CONTROL BOARD
PCB 23-133**

June 04, 2024

Anna Andrushko, Complainant vs Thomas Egan, Respondent

COMPLAINANT'S INTERROGATORIES TO RESPONDENT

1. Who is answering questions to these Interrogatories?

a. State your full name, present address, prior address, marital status.

Answer:

b. Who resides at 9311 S Spaulding Avenue? Full Names and relationship.

Answer:

2. Please state whether you are the owner of the dog. If you are not the owner of the dog, please identify who is the owner of the dog.

Answer:

3. Information about the dog. Please state the following.

a. Breed of the dog.

b. Age of the dog.

c. Weight of the dog.

d. Who acquired the dog?

e. Are you the original owner? If not, who is the prior owner?

f. What date did you acquire your dog?

g. Where did you acquire the dog? What facility, shelter, owner? Please state facility and location.

h. What is the reason you acquired your dog?

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- i. Background and/or History of the dog? Medial History?

Answer:

4. What stimulation do you have available in your yard to keep your dog occupied outside?

Answer:

5. Please indicate whether it is your custom and practice to keep your dog in your yard at all times or when? Do you let your dog out after dark?

Answer:

6. Do you provide basic health and welfare to eliminate disturbing the neighbors? Please list, such as adequate food, water, shelter, yard space, companionship for the dog?

Answer:

7. How do you keep things interesting? Have plenty of chew toys for your dog to play with? Raw bones, toys, chew ropes, etc.? Provide documentation.

Answer:

8. Is your dog trained? Do you provide training? Do you teach boundaries? Please explain. Provide documentation.

Answer:

9. Dogs are territorial and don't take kindly to other critters invading their space, such as roaming bands of feral cats, racoons, squirrels, etc. How do you resolve your dog from barking and annoying the neighbors? What steps (doggie door, muzzles, electronic collars, landscape) have you taken to eliminate the barking behavior during the day that will disturb the neighbors?

Answer:

10. Common causes of dog barking include: dislikes being left alone, frustration, guarding instinct, attention seeking, frightened, boredom, or excitement. Do you provide daily exercise? Please explain.

Answer:

11. Give a detailed statement of the facts as to how you argue that the noise pollution (music, honking of car horns aimed at the complainant when passing by her, dog barking at complainant) took place since May 01, 2020, to include any facts and documents upon which you intend to rely upon in support of any defense.

Answer:

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12. Please state all actions that you have taken to prevent the re-occurrence of your dog from barking at the complainant and animals in her yard, while the dog is running along the fence, and jumping in attempt to gain access over the fence, since acquiring your dog and prior to April 18, 2024, when the hearing officer requested reports and witnesses and respondent was on notice.

Answer:

13. Are you aware there are rules and regulations for noise? What are the rules you are aware of? Please explain in support of any defense how you argue.

Answer:

14. Have you made the statement to anyone that "you wanted advice about how to deal with a bad neighbor?" Please explain your statement.

Answer:

15. Have you made the statement to the complainant: "I hope you die! I hope you die today?" Please explain your statement.

Answer:

16. Have you made the statement that "the whole block probably does" (after making the statement I hope you die, hope you die today)? Please explain your statement.

Answer:

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COMPLAINANT'S REQUEST FOR PRODUCTION

1. Produce all documents about the acquisition and origin of the dog and that includes all ownership papers and should include: (a) Breed of the dog (b) size of the dog (c) weight (d) acquisition date of dog (e) facility/shelter or where did you acquire the dog (f) medical history (g) and age of the dog.
2. Identify any and all witnesses you intend to call, mention, and/or introduce at the hearing.
 - a. experts name(s)
 - b. his/her area of expertise, factual basis for each such opinion
 - c. address(es)
 - c. subject matter(s), opinion(s),
 - d. amount of compensation paid to each such expert (receipts)

3. Identify any and all documents and reports, and identify with specificity each document, you intend to introduce as an exhibit or to offer into evidence at trial, recordings including, but not limited to, pictures, photographs, visual recorded images, and audio recordings, from your point of view.

The recordings should be the same requirements referenced in the Respondent's Requests to Admit to Complainant, per the measurements of noise emissions adhering to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection and Section 901.102(a) and (b)(35Ill. Adm. Code 901.102(a), (b)). Include numeric measurements of noise emissions prepared by you or a professional, as they relate to this case, including but not limited to descriptions of corresponding measurement techniques and measurement results.

4. Provide respondent's plat of survey of the property located at 9311 S Spaulding Avenue, Evergreen Park, IL 60805.
5. Produce complete photos of your back yard and views (north, south, east, and west), including fence, lawn, back of house, deck, including garage views and along boundary lot perimeter along adjoining lot where the complainant lot is located. Include photos taken from the respondent's deck and at the ground levels. Identify with specificity each document.

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6. Provide documentation to support steps you have taken to avoid or reduce the noise nuisance. List any and all equipment or products (toys, raw bones, chew ropes, landscape materials), services provided to (training), including various receipts (not limited to last 60 days, that includes dates, names, names of businesses, contact numbers, and cost.
7. Produce and identify with specificity all documents considered or used in providing your Answers to the Complainant's Interrogatories delivered simultaneously with this Request to Produce.