

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ANNA ANDRUSHKO)	
)	
Complainant,)	
)	PCB 23-133
v.)	
)	
THOMAS EGAN)	
)	
Respondent.)	

NOTICE OF FILING

TO: Illinois Pollution Control Board
 Attn: Don Brown – Clerk of the Board
 100 W. Randolph Street, Suite 11-500
 Chicago, IL 60601
Don.brown@illinois.gov
Brad.Halloran@illinois.gov

TO: Anna Andrushko
 9313 S. Spaulding Avenue
 Evergreen Park, IL 60805
PCB23.133@gmail.com

PLEASE TAKE NOTICE that on May 29, 2025 we filed with the Office of the Clerk of the Pollution Control Board the **Respondent’s Answer To Revised Complainant’s Interrogatories** on behalf of the Respondent, Thomas Egan, copies of which are herewith served upon you.

Respectfully Submitted,

WALSH, FEWKES & STERBA

By: 

David A. Fewkes

WALSH, FEWKES & STERBA
 Attorney for Respondent
 7270 W. College Drive, Suite 101
 Palos Heights, IL 60463
 (708) 448-3401 (ph)
 (708) 448-8022(fax)
 Attorney No. 56616
Dfewkes@wfstriallaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ANNA ANDRUSHKO)
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Complainant)
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Respondent)

RESPONDENT'S ANSWER TO REVISED COMPLAINANT'S INTERROGATORIES

I Identification and Background

1. State the name(s) and address(s) who participated in the preparation of answers to these interrogatories. With respect to each person, state his or her expert qualifications, if any.

Answer: Thomas E. Egan, 9311 S. Spaulding Avenue, Evergreen Park, IL 60805

2. a. State your full name, present address, prior address, marital status, date of birth.
- b. Please identify all individuals who reside at 9311 S. Spaulding Avenue where the dogs are kept? Full names and relationship.
- c. Please state the address where the dog that is the subject of this complaint reside.
- d. 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.
- e. Identify any individuals who regularly care for or monitor the dog, including dog walkers, neighbors, or family members.

Answer:

- a. **Thomas E. Egan, 9311 S. Spaulding Avenue, Evergreen Park, IL 60805**
I have lived at this address for 17 (seventeen) years.
DOB: 10/30/1961
- b. **Thomas E. Egan, owner.**
- c. **9311 S. Spaulding Avenue, Evergreen Park, IL 60805**
- d. **Yes**
- e. **Joyce Schramm**

II. Information Regarding the Dog's Barking:

3. Information about the dog and the subject of this complaint.
 - a. Breed 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, or owner? Please state facility, shelter and location. Provide a License of the facility or Business License.
 - h. What is the reason you acquired your dog?
 - i. Provide the background and/or History of the dog? Provide Medical History.
 - j. Name of the dog.
 - k. Is the dog a male or female?
 - l. Is the dog neutered or spayed?
 - m. What is the age of the dog?
 - n. Size, Height, Weight of the dog?
 - o. Characteristics of the dog influenced by breeding for specific purposes and behavioral tendencies and temperaments:
What is the breed group? Sporting, Hound, Terrier, Working, Toy, Non-Sporting, Herding? Please explain.
What is the adaptability? Suited for what environment or lifestyle? Apartment living or active outdoor adventures? Please explain.

- Answer:**
- a. **Irish Terrier**
 - d. **Me**
 - e-g. **Thomas E. Egan is the original owner of the dog.
The dog was purchased from Mr. Patrick Biro, who now lives in France.**
 - h. **I like dogs.**
 - i. **The dog had kidney stones removed in March.**
 - j. **Oisin.**
 - k. **Male.**

- l. The dog is neutered.**
 - m. The dog will be 5 years old on September 13, 2025.**
 - n. The dog weighs 35 lbs. and his height at shoulders is 18 inches.**
 - o. The dog is a terrier. They like to go outside.**
4. Are you aware of any medical or behavioral conditions that may contribute to your dogs' barking? If so, please describe the condition and any treatment or medication the dog receives or received.

Answer: No. Only squirrels and cats cause the dog to bark.

5. Have you consulted your vet or trainer about continued behavior of your dog barking when you continue to face issues? Please provide documentation. Please explain.

Answer: No.

6. Who is your veterinarian? Please provide name, address, and contact information. Please provide medical records related to dog barking behaviors.

Answer: LaPar Animal Hospital, 3811 W. 95th Street, Evergreen Park, IL 60805 (708) 423-3200

7. Has your dog undergone any obedience training or behavior modification related to barking? If so, please provide the name and contact information of the trainer or behaviorist, the dates of training, and the techniques used. Please provide all certificates of training.

Answer: No.

8. Is your dog ever left unattended outdoors for extended periods? If so, please state the typical duration and frequency of such instances. When?

Answer: No.

9. Guidelines for Responsible Pet Ownership and obey all local ordinances and to avoid or limit dog barking:

- a. Do you provide basic health and welfare to eliminate disturbing the neighbors from barking? Please list, such as adequate food, water, shelter, yard space, companionship for the dog?
- b. To avoid your dog from excessive barking, how do you keep things interesting for your dog? Do you provide plenty of chew toys for your dog to play with? Raw bones, toys, chew ropes, etc.? Provide documentation.
- c. Do you teach boundaries? Please explain. Provide documentation.

- d. 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 excessive barking behavior during the day that will disturb the neighbors?
- e. What stimulation do you have available in your yard to keep your dog occupied outside to avoid or limit barking?
- f. Common causes of dog barking include: dislikes being left alone, frustration, guarding instinct, attention seeking, frightened, boredom, or excitement, etc. What is the reason your dog is barking? Do you provide daily exercise? Please explain.
- g. Do you isolate your dog in our backyard with no human interaction? This practice can lead to dog barking. Please explain.

Answer:

- a. **Yes, the dog is provided with basic health and welfare along with adequate food, water, shelter, yard space, and companionship.
Yes, the dog is kept in a fenced-in yard.**
 - b. **I do not leave the dog outside alone and I bring him in when he barks at critters.**
 - c. **The dog loves to fetch tennis balls.**
 - d. **The dog is barking because of cats and squirrels. I provide exercise by taking him to the dog park.**
 - e. **I do not leave the dog alone outside or isolated and I am usually home with the dog on a daily basis.**
10. Do you prevent your dog from negatively impacting other people, animals, and the environment by allowing your dog to constantly bark? Please explain why or why not.

Answer: Yes, I do not leave my dog alone and I take him inside the house if he barks.

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 after **May 01, 2020, Cease and Desist** letter Mr. Egan received to include any facts and documents upon which you intend to rely upon in support of any defense.

**Answer: I have never once driven past the complainant and blown my horn.
Objection as to the form of the question as it is unclear, vague and calls for a narrative answer.**

12. Please identify any specific triggers that cause your dog to bark (i.e. objects, sounds, specific noises, animals, people, being left alone, etc.).

Answer: Squirrels, cats, and raccoons usually cause him to bark.

13. Please describe in detail the circumstances under which your dog barks. Include, but not limited to:

- a. Time of day? Day or Night?
- b. Frequency of dog barking?
- c. Duration? Daily or Weekly basis?
- d. Apparent cause of the barking?
- e. Other circumstances.

Answer:

- a. **The dog has been known to bark day or night.**
- b. **When stimulated by cats or squirrels.**
- c. **The dog has never barked all day or all week.**
- d. **As indicated above, the dog's barking is a result of cats and squirrels.**
- e. **N/A Objection.**

14. Have you received any prior complaints or warning, formal or informal, regarding your dog barking or behaviors from neighbors, animal control, or any other individuals or entities? If so, please state the date of each complaint, the name of the complaining party, and the substance of the complaint. Please provide documentation.

Answer: Other than Ms. Andrushko I have never received any prior complaints or warnings regarding the dog barking.

15. If you received any prior complaints, please describe in detail any actions you took in response to those complaints.

Answer: Does Not Apply.

16. Have you made the statement to anyone that "you wanted advice about how to deal with a bad neighbor?" Have you taken action against your neighbor by using the dog to disturb the peace and enjoyment of a neighbor property to force anyone to move by allowing your dog to continuously bark and disturb the peace? Please explain your statement.

Answer: I don't remember making that statement. I have never taken action against a neighbor by using the dog to disturb the peace.

17. What is your motivation for allowing your dog to bark? Please explain.

Answer: Objection. Vague and irrelevant.

18. Do you find your barking dog is excessive. Why or why not? Please explain.

Answer: No. Like every other dog in the County it barks from time to time.

19. State where you have communicated with the complainant about the barking, and if so describe those communications.

Answer: I don't recall communications with the complainant about the dog barking.

20. Do you dispute the complainant's allegations regarding the barking? If so, state the basis for your denial.

Answer: I don't dispute that the dog barks from time to time. No one else has ever complained about it.

III. Preventative Action / Noise Abatement :

21. Do you take any measures to prevent or control your dog barking? If so, please describe in detail all such measures and when they were implemented.

Answer: I do not leave the dog alone outside and I take the dog inside if he barks. I have also put up fences to block the dog from seeing into the alley and Ms. Andrusko's yard within the last month or so.

22. Noise Abatement Order:

Order: January 6, 2025 Order IPCB, Mr. Egan suggested noise remediation device installed on his property and have not met your obligation. Ms. Andrushko was informed, with a photo provided, of the "tarp" that would stand 5'10" installed on Respondent's property.

Order: February 20, 2025, Summary Judgement was denied, and still no fence was installed.

Order: March 6, 2025 status meeting resulted in no fence installation.

Order: March 27, 2025 status meeting resulted in no fence installation.

Order: April 17, 2025 status meeting resulted in no fence installation.

a. What date was 3-foot privacy device installed?

- b. Why was the original “tarp” measuring 5’10” privacy device not installed and instead a 3-foot vinyl lattice with holes/perforation?
- c. Does the 3-foot vinyl lattice with holes/perforations device mitigate the dog barking behavior? The Complainant’s wood fence picket (vertical boards) spaces contracted over time due to weatherization and the holes in the vinyl lattice allows the dog to see through the fence pickets as well as over.

Answer:

- a. **April 18 – 19, 2025.**
- b. **I friend of mine tried the same fence and he said the wind beat it up and tore the grommets out of the ground.**
- c. **Yes, the 3-foot vinyl lattice with holes/perforations device does mitigate the dog’s barking behavior.**

23. Do you correct the dog barking behavior immediately by training your dog? Please explain why or why not/

Answer: I stop the dog from barking by taking the dog inside when he barks.

24. Do you monitor your dog to assess the reason your dog is barking to take appropriate action for noise abatement? Please explain why or why not.

Answer: I am always with the dog and I take him inside if he is agitated by squirrels or cats.

25. Identify any surveillance systems, sound monitoring devices, or other means used to monitor noise on your property to assist with correcting the dog barking noise level and to the appropriate levels.

Answer: None.

26. Do you dispute that the barking of your dog has caused a disturbance to Ms. Andrushko? If so, please state all the reasons for your denial?

Answer: Objection. Calls for speculation, is irrelevant and vague.

27. Describe your understanding of local noise or nuisance ordinances related to dog barking.

Answer: Objection. More appropriately answered in a deposition, is irrelevant and vague.

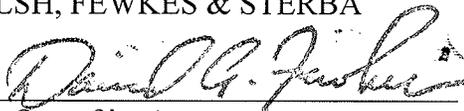
28. Do you have any video or audio recordings relevant to the complainant (i.e. footage of the dog's behavior or evidence refuting the claim)? If so, describe.

Answer: No.

Investigation continues as to all questions.

Respectfully Submitted,

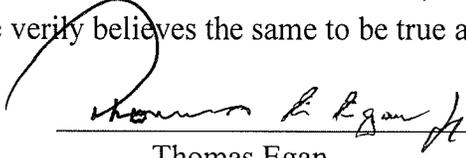
WALSH, FEWKES & STERBA

By: 
One of its Attorneys

WALSH, FEWKES & STERBA
Attorney for Respondent
7270 W. College Drive, Ste. 101
Palos Heights, IL 60463
Attorney No. 56616
(708) 448-3401
Dfewkes@wfstrialaw.com

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the instrument are true and correct, except as to matters therein stated to be on information and belief, and as to matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.



Thomas Egan