

December 3, 2025

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) PCB 23-133

) (Citizens Enforcement – Noise)

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HEARING OFFICER DISCOVERY ORDER

On August 25, 2025, I issued an order delineating the 16 interrogatories that comprise complainant's motion to compel. Both parties agreed that these are the interrogatories in question. On November 3, 2025, respondent filed his response to complainant's second motion to compel and sanctions (Resp.). Also on November 3, 2025, respondent filed an amended response (Amed. Resp.). Respondent's amended response will be the only response addressed. On November 10, 2025, complainant filed her reply to respondent's opposition to complainant's second motion to compel and for sanctions (Reply). Also on November 10, 2025, complainant filed a "Reply in Further Support of Second Motion to Compel and for Sanctions" (Reply Further Support). None of the above pleadings filed by the parties included page numbers. In the future, I will be disinclined to entertain unpaginated documents.

Complainant's Reply appears to address complainant's quest for sanctions more so than replying to respondent amended response to the delineated interrogatories. I will defer the sanctions request to the Board as I must. *See* Section 101.800 of the Board's procedural rules. Complainant's Reply in Further Support appears to more specifically address the interrogatories referenced in my August 25, 2025, order. I will address the complainant's interrogatories at issue and respondent's responses in his amended response in summary fashion.

Discussion and Ruling

In pertinent part, the purpose of discovery is to uncover all relevant information and information calculated to lead to relevant information. 35 Ill. Code 101.616 (a). Framing relevancy here, if the Board finds a violation of Section 24 of the Act through a violation of Section 900.102 of the Board’s noise rules, the Board considers the factors set forth in Sections 33(c) and 42(h) of the Act to fashion an appropriate remedy for the violation. Andrushko v. Egan, PCB 23-133, slip at 14-15 (March 21, 2024).

Interrogatory 3(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.

Respondent's response: Respondent combines his response to Interrogatory 3(g) with his response to Interrogatory 3(o) and thus difficult to comprehend. In summary, he states that he has already provided complainant

with where and from whom the dog was obtained but argues the remainder of complainant's requests are overbroad and irrelevant.

Ruling: Complainant's Interrogatory 3(g) is not relevant nor is it reasonably calculated to lead to relevant information. Complainant's motion to compel a response to Interrogatory 3(g) is denied.

Interrogatory 3(o): In summary, complainant requests information on the characteristics of the dog including breed group and adaptability such as environment or lifestyle.

Respondent's response: see Interrogatory 3(g) above.

Ruling: Complainant's Interrogatory 3(o) is not relevant nor is it reasonably calculated to lead to relevant information. Complainant's motion to compel response to Interrogatory 3(o) is denied.

Interrogatory 5: In summary, complainant asks whether he has consulted with a vet or trainer about dog's behavior.

Respondent's response: No.

Ruling: Complainant's motion to compel Interrogatory 5 is denied. Respondent has answered.

Interrogatory 9(a); Does respondent provide basic health and welfare such as adequate food, water, companionship, etc.? It appears that complainant has recently taken the liberty to clarify and/or rephrase her questions to include type of food, feeding schedule, water supply, frequency of walks, etc.

Respondent's response: Respondent again conflates and comingles his responses which makes it difficult to rule upon. He addresses 9(a); 9(b); 9(c); 9(d); 9(e); 9(g); and 11. Respondent in summary fashion states that the dog receives food, water, shelter, yard space and companionship. He further states that he brings the dog indoors when barking occurs and uses verbal correction.

Ruling: Respondent's response is adequate. Any elaboration by the complainant is untimely and, in any event, not relevant nor is it calculated to lead to relevant information. Complainant's motion to compel further response to Interrogatory 9(a) is denied.

Interrogatory 9(b): To avoid excessive barking, are chew toys provided etc. Provide documentation.

Respondent's response: The demand for documentation of ordinary pet care is overreaching and not proportional.

Ruling: Chew toys may be relevant or lead to relevant information. Respondent is directed to answer but no documentation required. Complainant's motion to compel answer to Interrogatory 9(b) is granted as to chew toys.

Interrogatory 9(c): Do you teach boundaries?

Respondent's response: Respondent answers that the dog is not left in isolation as to cause barking.

Ruling: Respondent's answer is sufficient, and in any event "boundaries" is not relevant nor is it calculated to lead to relevant information. Complainant's motion to compel answer to Interrogatory 9(c) is denied.

Interrogatory 9(d): In a nutshell, complainant asks what steps respondent has taken to eliminate excess barking, e.g. doggie door, muzzles, electronic collar.

Respondent's response: See above- respondent states that he brings dog in when it barks.

Ruling: Respondent's answer is sufficient. Complainant's motion to compel answer to Interrogatory 9(d) is denied.

Interrogatory 9(e): Complainant asks what kind of stimulation is in the yard to keep dog occupied to limit barking.

Respondent's response: Respondent states that he brings the dog inside.

Ruling: Respondent was directed to answer Interrogatory 9(b) that involves chew toys. That directive would resolve this Interrogatory.

Interrogatory 9 (f): Complainant withdraws Interrogatory 9(f).

Interrogatory 9(g): Do you isolate the dog in backyard with no human interaction?

Respondent's response: Respondent has answered that he does not leave the dog isolated in the backyard.

Ruling: Respondent's answer is sufficient. Complainant's motion to compel answer to Interrogatory 9(g) is denied.

Interrogatory 11: Argues that respondent sounding his car horn when he passes by her and provide documentation for his defense.

Respondent's response: In summary, respondent states that question is vague and nonsensical.

Ruling: Interrogatory 11 is argumentative and not a proper Interrogatory. Complainant's motion to compel answer to Interrogatory 11 is denied.

Interrogatory 11(a): List all dates which respondent received cease and desist warning letters regarding noise violation that he contests.

Respondent's response: "effectively asks for every date and time the dog did not bark in Complainant's presence-an impossible task."

Ruling: Interrogatory is unclear and argumentative- improper Interrogatory. Complainant's motion to compel answer to Interrogatory 11(a) is denied.

Interrogatory 11(b): In summary, asks what is respondent's defense regarding barking and violation of Illinois noise regulations.

Respondent's response: Respondent argues the question is vague and goes to ultimate issue.

Ruling: Interrogatory 11(b) is argumentative and goes to the ultimate issue. Complainant's motion to compel answer to Interrogatory 11(b) is denied.

Interrogatory 13(b): Describe in detail the frequency of the dog barking.

Respondent's response: Respondent answered that the dog barks when stimulated by cats or squirrels or similar triggers and that he intervenes when that happens.

Ruling: Respondent's answer is sufficient. Complainant's motion to compel answer to Interrogatory 13(b) is denied.

Interrogatory 13(c): In summary, complainant requests detailed information when the dog barks, duration on daily or weekly basis.

Respondent's response: Respondent has previously certain stimulation triggers and that the dog has never barked all day or all week. Further, the question is unduly burdensome.

Ruling: Respondent's answer is sufficient. Complainant's motion to compel Interrogatory 13(c) is denied.

Interrogatory 17: It appears that complainant, although unclear, requests in Interrogatory 17, 17(a) 17(b) the same questions she has previously asked and he has answered in prior Interrogatories e.g. what is the motivation for allowing your dog to bark, what steps taken to quell the barking?

Respondent's response: Respondent argues the question is vague and irrelevant. He further states that he removes the dog from potential stimuli when barking occurs.

Ruling: Interrogatory 17 is argumentative, repetitious and an improper Interrogatory. Further, respondent states that he removes the dog from potential stimuli. Respondent's answer is sufficient. Complainant's motion to compel answer to Interrogatory 17 is denied.

Interrogatory 26: requests evidence which he will rely on at hearing to support his claim that complainant's allegations do not violate the noise regulations, including documents and witnesses.

Respondent's response: Respondent states that complainant's request for identification of all formal and informal complaints and all steps taken, with receipts and notes, is irrelevant and overly burdensome. Further, respondent states that he has already answered that he takes the dog inside when barking occurs and has installed a screen to limit sight lines.

Ruling: Respondent's answers are sufficient. Further, disclosure of witnesses has previously been divulged, and depositions have yet to be scheduled. Complainant's motion to compel Interrogatory 26 is denied.

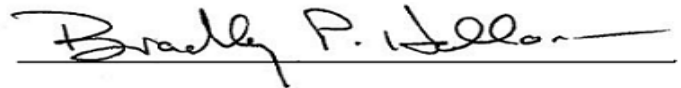
Interrogatory 27: Describe your understanding of local noise or nuisance ordinances related to dog barking.

Respondent's response: In summary, respondent states that as reframed, these questions improperly seek legal opinions.

Ruling: Interrogatory 27 is improper as it seeks a legal opinion and his opinion is not relevant. Complainant's motion to compel answer to Interrogatory 27 is denied.

The parties or their legal representatives are directed to participate in an agreed upon telephonic status conference with the hearing officer on December 4, 2025, at 10:30 a.m. The telephonic status conference must be initiated by the complainant by calling the number below, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter, outstanding motions, deposition dates, and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

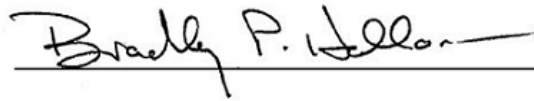
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Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on December 3, 2025, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on December 3, 2025:

Don Brown
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
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@ Consents to electronic service

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