

**Marek Kruk, Complainant, v. New Trier High School, Respondent  
PCB 20-10 (Citizens Enforcement - Noise)**

**Kruk Response to RESPONDENT'S SUPPLEMENTAL REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO COMPLAINANT**

NOW COMES, complainant, Marek Kruk, and hereby responds to the following respondent's supplemental requests for production of documents to complainant in accordance with applicable Illinois law and all current case management orders of the Hearing Officer in this matter:

**COMPLAINANT'S RESPONSE TO RESPONDENT'S  
SUPPLEMENTAL REQUESTS FOR PRODUCTION**

1. Produce any report relating to the alleged violation of numeric noise standards in this case, prepared by or for you or any witness identified in your Answers to the District's Interrogatories delivered simultaneously with this Request to Produce.

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Marek Kruk further objects to this request to the extent that no testing was required on Marek Kruk's part because New Trier High School hired the experts who conducted noise measurements and advised the district they were non-compliant. In turn, the district has made admissions to Marek Kruk about being non-compliant and later advised that they "made remedial efforts after Mr. Kruk's complaints until noise measurements evidenced compliance with noise emissions levels." However, to date, the district has not produced numeric testing of noise emissions below the standards at the property line of 124 Woodland Ave (the Kruk property) which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Marek Kruk further objects to this request to the extent that Marek Kruk had no reason to question the district's credibility as it pertained to the district's admissions about being non-compliant, as the district did not contest or dispute any of the Shiner Acoustics reports at that time.

Subject to and without waiving these objections, the Shiner Acoustics report dated August 15, 2018, along with other Shiner Acoustics reports relating to the violation contain data that shows the district's noncompliance and will be presented before the Pollution Control Board for review.

Investigation continues.

2. Produce all numeric measurements taken of noise emissions at your property relating to your allegations against the District, including but not limited to descriptions of corresponding measurement techniques and emissions results.

See above response to request #1

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Marek Kruk further objects to this request to the extent that no testing was required on Marek Kruk's part because New Trier High School hired the experts who conducted noise measurements and advised the district they were non-compliant. In turn, the district has made admissions to Marek Kruk about being non-compliant and later advised that they "made remedial efforts after Mr. Kruk's complaints until noise measurements evidenced compliance with noise emissions levels." However, to date, the district has not produced numeric testing of noise emissions below the standards at the property line of 124 Woodland Ave (the Kruk property) which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Marek Kruk further objects to this request to the extent that Marek Kruk had no reason to question the district's credibility as it pertained to the district's admissions about being non-compliant, as the district did not contest or dispute any of the Shiner Acoustics reports at that time.

Subject to and without waiving these objections, the Shiner Acoustics report dated August 15, 2018, along with other Shiner Acoustics reports relating to the violation contain data that shows the district's noncompliance and will be presented before the Pollution Control Board for review.

Investigation continues.

3. Produce all documents in your possession showing a current violation by the District of noise standards pursuant to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

See above responses to request #1 and #2

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Marek Kruk further objects to this request to the extent that no testing was required on Marek Kruk's part because New Trier High School hired the experts who conducted noise measurements and advised the district they were non-compliant. In turn, the district has made admissions to Marek Kruk about being non-compliant and later advised that they "made remedial efforts after Mr. Kruk's complaints until noise measurements evidenced compliance with noise emissions levels." However, to date, the district has not produced numeric testing of noise emissions below the standards at the property line of 124 Woodland Ave (the Kruk property) which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Marek Kruk further objects to this request to the extent that Marek Kruk had no reason to question the district's credibility as it pertained to the district's admissions about being non-compliant, as the district did not contest or dispute any of the Shiner Acoustics reports at that time.

Subject to and without waiving these objections, the Shiner Acoustics report dated August 15, 2018, along with other Shiner Acoustics reports relating to the violation contain data that shows the district's noncompliance and will be presented before the Pollution Control Board for review.

Investigation continues.

4. Produce all documents in your possession demonstrating a current violation by the District of Illinois noise standards.

See above responses to request #1, #2, and #3

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Marek Kruk further objects to this request to the extent that no testing was required on Marek Kruk's part because New Trier High School hired the experts who conducted noise measurements and advised the district they were non-compliant. In turn, the district has made admissions to Marek Kruk about being non-compliant and later advised that they "made remedial efforts after Mr. Kruk's complaints until noise measurements evidenced compliance with noise emissions levels." However, to date, the district has not produced numeric testing of noise emissions below the standards at the property line of 124 Woodland Ave (the Kruk property) which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Marek Kruk further objects to this request to the extent that Marek Kruk had no reason to question the district's credibility as it pertained to the

district's admissions about being non-compliant, as the district did not contest or dispute any of the Shiner Acoustics reports at that time.

Subject to and without waiving these objections, the Shiner Acoustics report dated August 15, 2018, along with other Shiner Acoustics reports relating to this violation contain data that shows the district's noncompliance and will be presented before the Pollution Control Board for review.

Investigation continues.

5. Produce and identify with specificity each Document you intend to introduce as an exhibit or to offer into evidence at trial.

All correspondence between Marek Kruk and the district.

Answers and responses to all interrogatories, requests for production of documents, and requests to admit and other documents that exist and pertain to this case.

Videos and pictures sent to the district.

Any and all Shiner Acoustics reports.

Any future numeric testing of noise emissions at the property line of 124 Woodland Ave (the Kruk property), as needed.

Investigation continues.

6. Produce and identify with specificity all Documents considered or used in providing your Answers to the District's Interrogatories delivered simultaneously with this Request to Produce.

See above responses to requests #1 through #5

Investigation continues.

7. Produce and identify with specificity all Documents showing all numeric measurements taken of the noise emission at your property that strictly comply with the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

See above response to request #1

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Marek Kruk further objects to this request to the extent that no testing was required on Marek Kruk's part because New Trier High School hired the experts who conducted noise measurements and advised the district they were non-compliant. In turn, the district has made admissions to Marek Kruk about being non-compliant and later advised that they "made remedial efforts after Mr. Kruk's complaints until noise measurements evidenced compliance with noise emissions levels." However, to date, the district has not produced numeric testing of noise emissions below the standards at the property line of 124 Woodland Ave (the Kruk property) which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Marek Kruk further objects to this request to the extent that Marek Kruk had no reason to question the district's credibility as it pertained to the district's admissions about being non-compliant, as the district did not contest or dispute any of the Shiner Acoustics reports at that time.

Subject to and without waiving these objections, the Shiner Acoustics report dated August 15, 2018, along with other Shiner Acoustics reports relating to this violation contain data that shows the district's noncompliance and will be presented before the Pollution Control Board for review.

Investigation continues.

8. Produce and identify all correspondence between you and the District relating to the incidents alleged in your complaint with the Illinois Pollution Control Board.

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Subject to and without waiving these objections, the requested correspondence was sent to the New Trier High School's attorney.

Investigation continues.

9. Produce and identify all correspondence between you and any individuals, including but limited to friends, family, coworkers, neighbors, or associates, relating to the incidents alleged in your complaint with the Illinois Pollution Control Board.

Marek Kruk objects to this request because it is vague as to the subject of the requested notification. Marek Kruk further objects to this request because it requests irrelevant information not reasonably calculated to lead to admissible evidence. Subject to and without waiving these objections, correspondence sent.

10. Produce and identify all correspondence between you and any entity relating to the incidents alleged in your complaint with the Illinois Pollution Control Board.

See above response to request #9

11. Produce all numeric measurements taken of noise emissions at your property relating to your allegations against the District, including but not limited to descriptions of corresponding measurement techniques and emissions results, other than the measurements taken by Shiner Acoustics.

See above response to request #1

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Marek Kruk further objects to this request to the extent that no testing was required on Marek Kruk's part because New Trier High School hired the experts who conducted noise measurements and advised the district they were non-compliant. In turn, the district has made admissions to Marek Kruk about being non-compliant and later advised that they "made remedial efforts after Mr. Kruk's complaints until noise measurements evidenced compliance with noise emissions levels." However, to date, the district has not produced numeric testing of noise emissions below the standards at the property line of 124 Woodland Ave (the Kruk property) which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Marek Kruk further objects to this request to the extent that Marek Kruk had no reason to question the district's credibility as it pertained to the district's admissions about being non-compliant, as the district did not contest or dispute any of the Shiner Acoustics reports at that time.

Subject to and without waiving these objections, the Shiner Acoustics report dated August 15, 2018, along with other Shiner Acoustics reports relating to this violation contain data that shows the district's noncompliance and will be presented before the Pollution Control Board for review.

Investigation continues.

12. Produce and identify all documents you intend on using to meet your burden of proof regarding the District's alleged noncompliance with Pollution Control Board's noise regulations at Section 901.102(a) and (b) (35 Ill. Adm. Code 901.102(a), (b)) that strictly complies with the



measuring techniques listed in 35 Illinois Administrative Code §910.105.

Marek Kruk objects to this question to the extent it calls for a legal conclusion and speculation and to the extent the district requests irrelevant information not reasonably calculated to lead to admissible evidence. Marek Kruk further objects to this question to the extent that the district has made admissions that they were noncompliant on numerous occasions. Subject to and without waiving these objections, Marek Kruk is awaiting answers and responses to the second round of interrogatories and requests for production of documents from the district. Also see responses to above requests.

Investigation continues.

13. Produce and identify all videos or audio recordings taken by you or any other individual to date regarding the District's alleged noncompliance with Pollution Control Board's noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)) that strictly complies with the measuring techniques listed in 35 Illinois Administrative Code §910.105.

Marek Kruk objects to this request because it is unduly broad and seeks information already in possession of, known to, or otherwise equally available to the respondent, the district. Marek Kruk further objects to this request to the extent that no testing was required on Marek Kruk's part because New Trier High School hired the experts who conducted noise measurements and advised the district they were non-compliant. In turn, the district has made admissions to Marek Kruk about being non-compliant and later advised that they "made remedial efforts after Mr. Kruk's complaints until noise measurements evidenced compliance with noise emissions levels." However, to date, the district has not produced numeric testing of noise emissions below the standards at the property line of 124 Woodland Ave (the Kruk property) which conforms to the

procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

Marek Kruk further objects to this request to the extent that Marek Kruk had no reason to question the district's credibility as it pertained to the district's admissions about being non-compliant, as the district did not contest or dispute any of the Shiner Acoustics reports at that time.

Subject to and without waiving these objections, the requested videos were sent to the New Trier High School's attorney.

Investigation continues.

14. Produce and identify any social media (including but not limited to Facebook, Instagram, Twitter, TikTok, Next Door, Pinterest, etc.) that you are in possession of or have created regarding the allegations in your complaint with the Illinois Pollution Control Board.

Marek Kruk objects to this request because it is vague as to the subject of the requested notification. Marek Kruk further objects to this request because it requests irrelevant information not reasonably calculated to lead to admissible evidence. Subject to and without waiving these objections, Marek Kruk objects to this request to the extent that Marek Kruk is not aware and has no knowledge of the existence of such social media accounts.

Respectfully,

Marek Kruk

05/19/2023