

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)
)
Complainant,)
)
v.)
)
)
VILLAGE OF WOODRIDGE,)
)
Respondents.)
_____)

PCB No: 23-71
(Citizens Enforcement – Water)

NOTICE OF FILING

TO: See Attached Certificate of Service

PLEASE TAKE NOTICE that on February 26, 2024, Respondent, VILLAGE OF WOODRIDGE, electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **Respondent's Motion to Dismiss**, a copy of which is herewith served upon you.

/s/ Phillip A. Luetkehans
One of the Attorneys for Respondent,
VILLAGE OF WOODRIDGE

Phillip A. Luetkehans, ARDC No. 06198315
pal@lbgalaw.com
Giovanni Padilla, ARDC No. 6343017
gp@lbgalaw.com
LUETKEHANS, BRADY, GARNER
& ARMSTRONG, LLC
105 E. Irving Park Road
Itasca, IL 60143
(630. 773-8500)

CERTIFICATE OF SERVICE

I, Giovanni Padilla, an attorney, certify that I caused the foregoing Notice of Filing and Respondent's Motion to Dismiss to be filed with the Illinois Pollution Control Board and to have served same upon the following interested parties and parties of record, as shown below:

Paul Christian Pratapas
paul.pratapas@gmail.com
1779 Kirby Parkway, Ste. 1, #92
Memphis, TN 38138

Illinois Pollution Control Board
Don Brown - Clerk of the Board
don.brown@illinois.gov
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
(312)-814-3620

Illinois Pollution Control Board
Bradley P. Halloran – Hearing Officer
brad.halloran@illinois.gov
60 E. Van Buren St., Suite 630
Chicago, IL 60605
(312)-814-8917

Robbins DiMonte Ltd
Eric G. Patt
epatt@robbinsdimonte.com
180 N. LaSalle St., Suite 3300
Chicago, IL 60601
(312)-782-9000

by causing true and correct copies of same to be sent via email transmission to the email addresses reflected above, on the 26th day of February, 2024.

/s/ Giovanni Padilla

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)	
)	
Complainant,)	
)	PCB No: <u>2023-071</u>
v.)	(Citizens Enforcement – Water)
)	
)	
VILLAGE OF WOODRIDGE,)	
)	
Respondent.)	
_____)	

RESPONDENT’S MOTION TO DISMISS

NOW COMES Respondent, VILLAGE OF WOODRIDGE, by and through its attorneys, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC and pursuant to 35 Ill. Admin. Code 101.800 hereby moves the Illinois Pollution Control Board to dismiss Complainant’s PAUL CHRISTIAN PRATAPAS Complaint in this matter.

In support of this Motion, Respondent states the following:

1. The Illinois Pollution Control Board (the “Board”) is governed by 35 Ill. Admin. Code 101.106 which states, *inter alia*, that the Board has the authority to conduct proceedings upon complaints charging violations of the Act.
2. Discovery before the Board is governed by 35 Ill. Admin. Code 101.616.
3. Depositions in matters before the Board are permitted pursuant to 35 Ill. Admin. Code 101.622.
4. Complainant’s response to discovery requests indicated that he personally observed and photographed certain violations of signage requirements and stabilization of construction site requirements.

5. On November 29, 2023, Hearing Officer Bradley P. Halloran set the discovery schedule for the parties which included a deadline of March 15, 2024 to complete any depositions.

6. On January 15, 2024, attorneys for Respondent asked Complainant for available dates to schedule his deposition.

7. In response, Mr. Pratapas unequivocally refused to be deposed, even after being given the opportunity to change his position. *See* correspondence attached hereto as Exhibit A.

8. On January 17, 2024, Respondent moved to compel Complainant's deposition testimony or alternatively dismiss the Complaint (the "Motion").

9. On February 8, 2024, upon presentation of the Motion to Hearing Officer Halloran, all parties agreed that Complainant would make himself available for deposition testimony on February 22, 2024 at 1:00 p.m. *See* Order attached hereto as Exhibit B.

10. On February 16, 2024, Respondent served its Notice of Deposition upon Complainant for the previously agreed upon date and time.

11. In response, Mr. Pratapas once again refused to be deposed. *See* correspondence attached hereto as Exhibit C.

12. Even after Respondent's counsel advised Mr. Pratapas that his Complaint may be subject to dismissal if he refused to be deposed, Mr. Pratapas reiterated his refusal to comply with the order of the Hearing Officer. Ex. C.

13. Rule 35 Ill. Admin. Code 101.800 states, *inter alia*, that if any person unreasonably fails to comply with any order entered by a hearing officer, the Board may enter the sanction of dismissing the Complaint with prejudice.

14. Illinois courts have upheld the dismissal of complaints where the plaintiff failed to appear for a court ordered deposition. *Simmons v. Shimek*, 139 Ill. App. 3d 927, 488 N.E.2d 283 (3d Dist. 1985).

15. Accordingly, Mr. Pratapas' willful failure to comply with the order entered on February 8, 2024 requires dismissal of this case with prejudice because Respondent would be heavily prejudiced and cannot reasonably proceed to a hearing without the deposition of the complaining witness, who is the only known person to claim to have seen the alleged violations.

WHEREFORE, Respondent, VILLAGE OF WOODRIDGE, moves this Honorable Board for an order dismissing this case with prejudice.

/s/ Phillip A. Luetkehans

Phillip A. Luetkehans, One of the Attorneys for
Respondent, VILLAGE OF WOODRIDGE

Phillip A. Luetkehans, ARDC No. 06198315
pal@lbgalaw.com
Giovanni Padilla, ARDC No. 6343017
gp@lbgalaw.com
LUETKEHANS, BRADY, GARNER
& ARMSTRONG, LLC
105 E. Irving Park Road
Itasca, IL 60143
(630) 773-8500

EXHIBIT A

Electronic Filing: Received, Clerk's Office 02/26/2024

From: [Phil Luetkehans](#)
To: [Paul Pratapas](#)
Cc: [Giovanni Padilla](#)
Subject: RE: Possible Deposition Dates PCB no. 2023-071
Date: Monday, January 15, 2024 4:43:36 PM
Attachments: [image001.png](#)
[image002.png](#)

Mr. Pratapas,

I am uncertain as to the relevance to the issue of your deposition. However, you had an opportunity to send discover requests to my client, including interrogatories, and failed to avail yourself of that opportunity.

Since you did not answer my question, I am taking it to mean your position has not changed and you will not be agreeing to sit for your deposition.

We will take the appropriate action.

Thank you for your time.

Phil



Phillip A. Luetkehans
Principal
Luetkehans, Brady, Garner & Armstrong, LLC
105 E Irving Park Road
Itasca, IL 60143
Direct: 630/760-4601 Office: 630/773-8500
Mobile: 630/917-6475 Fax: 630/773-1006
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From: Paul Pratapas <paulpratapas@gmail.com>
Sent: Monday, January 15, 2024 4:16 PM
To: Phil Luetkehans <pal@lbgalaw.com>
Cc: Giovanni Padilla <GP@LBGALAW.COM>
Subject: Re: Possible Deposition Dates PCB no. 2023-071

Provide the legal basis for your client violating nearly all of their legal obligations, denying it and then attempting to use the same laws to attack the people holding them accountable. While bound by

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the contractor certification. All while denying access to the information required to properly engage in my civil liberties.

<https://www.crisisprevention.com/Blog/De-Escalation-Tip-of-the-Day-Ignore-Challenging-Q>

Regards,

Paul Pratapas

www.peapod.services

On Mon, Jan 15, 2024 at 4:03 PM Phil Luetkehans <pal@lbgalaw.com> wrote:

Mr. Pratapas,

With all due respect, I want to make sure I understand your position. Am I correct that you are not willing to attend a deposition in this matter that you brought against my client. I just want to confirm this is your position before I bring the appropriate motion before the Hearing Officer. Please advise.

Thank you,

Phil



Phillip A. Luetkehans

Principal

Luetkehans, Brady, Garner & Armstrong, LLC

[105 E Irving Park Road](#)

[Itasca, IL 60143](#)

Direct: 630/760-4601 Office: 630/773-8500

Mobile: 630/917-6475 Fax: 630/773-1006

pal@lbgalaw.com

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From: Paul Pratapas <paulpratapas@gmail.com>

Sent: Monday, January 15, 2024 3:59 PM

To: Giovanni Padilla <GP@LBGALAW.COM>

Cc: Phil Luetkehans <pal@lbgalaw.com>

Electronic Filing: Received, Clerk's Office 02/26/2024

Subject: Re: Possible Deposition Dates PCB no. 2023-071

As a result of repetitive challenging of incontestable photographic evidence submitted by a certified inspector and covered under the contractor certification clause of the NPDES permit. I will not be answering any questions or participating in any depositions aimed at dishonoring the laws of The United States. Or attempting to discredit me and my work.

I suggest you start thinking of a number for a monetary settlement, repent and sin no more.

Regards,

Paul Pratapas

www.peapod.services

On Mon, Jan 15, 2024 at 3:29 PM Giovanni Padilla <GP@lbgalaw.com> wrote:

Mr. Pratapas,

Please advise on your availability during the weeks of 2/19/24 and 2/26/24 for the scheduling of your deposition. Please provide multiple dates and times if possible.

Thank you,
Giovanni Padilla



Giovanni Padilla
Luetkehans, Brady, Garner & Armstrong, LLC
[105 E. Irving Park Road](#)
[Itasca, IL 60143](#)
Direct: (630) 760-4603
Main: (630) 773-8500
Fax: (630) 773-1006
Mobile: (708) 297-6524
Email: GP@LBGALAW.COM
WWW.LBGALAW.COM

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EXHIBIT B

ILLINOIS POLLUTION CONTROL BOARD

February 8, 2024

PAUL CHRISTIAN PRATAPAS,

Complainant,

v.

VILLAGE OF WOODRIDGE,

Respondent.

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PCB 23-71

(Citizen's Enforcement – Water)

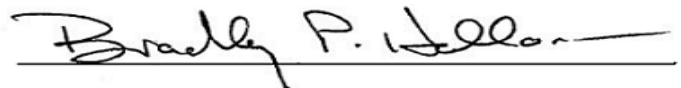
HEARING OFFICER ORDER

On February 8, 2024, all parties participated in a telephonic status conference. Discussions centered on respondent's motion to compel (motion) filed on January 17, 2024. Respondent argued in the motion that complainant has refused to give dates when he would be available be for a deposition. It was agreed by all parties that the deposition will take place, *via* zoom, on February 22, 2024, at 1:00 p.m. (ct).

Respondent stated that unless the deposition of Mr. Pratapas requires further discovery, it appears discovery will have been completed. The respondent may then file a motion for summary judgement, motion to dismiss or any other dispositive motion. If not, the matter will be set for hearing. *See* Section 101. 600 (a) and (b).

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on March 7, 2024, at 10:00 a.m. The telephonic status conference must be initiated by the complainant with the complainant providing the call-in number. If unable, call my number below and I will conference you in, or the respondent may provide a call-in number. Each party is responsible for its own appearance. At the conference, the parties must be prepared to discuss the status of the case.

IT IS SO ORDERED.



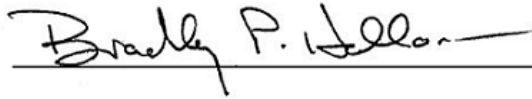
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on February 8, 2024, 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 February 8, 2024:

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



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
312.814.8917

@ Consents to electronic service

PCB 2023-071@
Paul Christian Pratapas
1779 Kirby Parkway
Ste. 1, #92
Memphis, TN 38138

PCB 2023-071@
Eric G. Patt
Robbins DiMonte Ltd.
180 N. LaSalle Street
Suite 3300
Chicago, IL 60601

PCB 2023-071@
Phillip A. Luetkehans
Luetkehans, Brady, Garner
& Armstrong, LLC
105 East Irving Park Road
Itasca, IL 60143

EXHIBIT C

Electronic Filing: Received, Clerk's Office 02/26/2024

From: [Paul Pratapas](#)
To: [Phil Luetkehans](#)
Cc: [Brad; Brown, Don](#); [Giovanni Padilla](#); epatt@robbinsdimonte.com
Subject: Re: FW: Pratapas Notice of Deposition
Date: Monday, February 19, 2024 1:19:56 PM
Attachments: [image001.png](#)
[image001.png](#)

There is not a valid reason for me to be deposed and it is wildly inappropriate for me be required to file discovery requests for information to be made available to the public at any reasonable time, without a pause in permit coverage.

A drivers license in IL is also an agreement to comply with blowing in a BAC devise when requested by an officer. If a driver refuses, is an automatic one year suspension of a drivers license. Without this same protection, polluters like your client can refuse to provide access and keep building and receiving new permits while destroying the planet. And the ILEPA can keep running a federally illegal program.

The hearing officer for this case is also on record in other cases of mine refusing to order access to SWPPP books. Given the total failure by ILEPA and The Board to properly implement federal law, it is improper to set any other precedent aside from immediate compliance with document requests as covered by the US Constitution.

All the information you are required to provide public access to must be allowed before documents and site conditions can be changed.

So, I will be seeking the FBI's help in compelling you to follow federal law without harassing me. There are 25 individual tips that need to be submitted individually which takes precedent over your delusional request. I am going to ask they take over all of this mess.

You are welcome to depose my dog who was there with me. Or my dad who worked at USEPA and has two police and a federal special agent in his family.

If after my reports are made, you would like to speak to me and the FBI, this can probably be arranged. But, I worked on the episode of Dateline NBC about Drew Peterson. And your client's officer is documented violating my rights on another related case, and another stalked and sexually harassed my hair stylist. So, priorities.

Regards,

Paul Pratapas

On Mon, Feb 19, 2024 at 12:07 PM Phil Luetkehans <pal@lbgalaw.com> wrote:

Mr. Pratapas,

My associate forwarded to me the below email you sent on Friday. You have been ordered to appear at your deposition this Thursday at 1:00 central time. By the below email, it appears that

you are again refusing to appear for your deposition, even though you agreed to us deposing you at that date and time in our last status hearing, after I was forced to file a Motion to Compel. I do not know what you are referring to about the "Board's unwillingness to order access to SWPPP books." However, I do know that you have been offered the opportunity to seek discovery and document production from my client, including the SWPP logs, and you decided not to avail yourself of that opportunity. If you stand by this position of refusing to be deposed, we will be forced to file a motion seeking dismissal of your complaint in this matter before the Illinois Pollution Control Board.

Please advise by the end of business today if that is still your position, so that we may proceed accordingly.

Very truly yours,

Phil Luetkehans



Phillip A. Luetkehans

Principal

Luetkehans, Brady, Garner & Armstrong, LLC

[105 E Irving Park Road](#)

[Itasca, IL 60143](#)

Direct: 630/760-4601 Office: 630/773-8500

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pal@lbgalaw.com

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From: Paul Pratapas <paulpratapas@gmail.com>
Sent: Friday, February 16, 2024 6:56 PM
To: Giovanni Padilla <GP@LBGALAW.COM>
Cc: Brown, Don <don.brown@illinois.gov>; Patt, Eric G. <epatt@robbinsdimonte.com>; brad.halloran@illinois.gov
Subject: Re: Pratapas Notice of Deposition

All,

I will be unable to participate. I need to file tips with the FBI regarding this widespread fraud

and The Board's unwillingness to order access to SWPPP books. But ordering depositions of citizens who file complaints.

If all Respondents contact the FBI and turn themselves in, it would save a lot of time.

We could call them together at the time designated to depose me.

Regards,

Paul Pratapas

On Fri, Feb 16, 2024 at 3:15 PM Giovanni Padilla <GP@lbgalaw.com> wrote:

All,

Electronic Filing: Received, Clerk's Office 02/26/2024

Attached is the notice of deposition for Mr. Pratas for next Thursday. I will follow up with the zoom information once that is provided to me by the court reporter.

Thank you,

Giovanni Padilla



Giovanni Padilla

Luetkehans, Brady, Garner & Armstrong, LLC

[105 E. Irving Park Road](#)

[Itasca, IL 60143](#)

Direct: (630) 760-4603

Main: (630) 773-8500

Fax: (630) 773-1006

Mobile: (708) 297-6524

Email: GP@LBGALAW.COM

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