

BEFORE THE Illinois Pollution Control Board

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

RESPONDENT'S ANSWER TO COMPLAINT

NOW COMES the Respondent, Thomas Egan, by and through his attorneys, Walsh, Fewkes & Sterba, and for his answer to the Formal Complaint filed by Complainant, herein states as follows:

1. and 2. Ms. Anna Andrushko lives at 9313 S. Spaulding Avenue, Evergreen Park, IL 60805. This address is located in Cook County.

ANSWER: Respondent admits the statements in the paragraph labeled "1 and 2".

3. Mr. Egan lives at 9311 S. Spaulding Avenue, Evergreen Park, IL 60805. This address is located in Cook County. He resides next door to my property located at 9313 S. Spaulding Avenue, Evergreen Park, IL 60805.

ANSWER: Respondent admits the statements in the paragraph labeled "3".

4. The noise violation allegation is from the neighbor, Mr. Egan, located next door to my property.

ANSWER: Respondent denies that he has made a noise violation allegation.

5. The violations are listed as follows:

Mr. Egan violates the Air Act (noise).

Mr. Egan violates the Illinois Environmental Protection Act: 415 ILCS 5/23, 5/24, 5/25.

ANSWER: Respondent denies that he has violated any provisions of the Acts alleged in Paragraph 5 and demands strict proof thereof.

The remainder of Page 1 and all of Page 2 are recitations of Illinois Law and do not require a response from Respondent, however, Respondent states that the actions alleged to have occurred in this complaint, do not violate the stated Statutes.

The first two paragraphs on Page 3 are statements that do not require a response from Respondent other than Respondent denies them and requires strict proof thereof.

Mr. Egan violates Private Nuisance laws that protect a person's right to use and enjoy his or her property. Mr. Egan interferes with that right.

ANSWER: Respondent denies that he violates Private Nuisance laws and demands strict proof thereof.

Mr. Egan violates the Evergreen Park Municipal Codes: Sec. 12-188, (4) "Noise emanating from private property shall not cause distress to persons on neighboring property."...

ANSWER: Respondent denies that he has violated the Evergreen Park Municipal Code and demands strict proof thereof.

Mr. Egan violates Temporary Private Nuisance laws that protect a person's right to use and enjoy his or her property. Mr. Egan interferes with that right.

ANSWER: Respondent denies that he has violated any Temporary Private Nuisance laws and demands strict proof thereof.

Mr. Egan violates the Noise disturbance ordinance in Evergreen Park. 6-1A-11: Disturbing the Peace.

ANSWER: Respondent denies that he has violated the Noise disturbance in Evergreen Park. 6-1A-11: Disturbing the Peace and demands strict proof thereof.

Mr. Egan has never been given a citation nor warning.

ANSWER: Respondent admits that he has never been given a citation nor warning.

Mr. Egan does not answer the door when the Village of Evergreen Park Police have attempted to contact him with noise complaints.

ANSWER: Respondent denies that he does not answer the door when the Village of Evergreen Park Police have attempted to contact him with noise complaints unless he is not home, and demands strict proof thereof.

The Village of Evergreen Park does not have a dog barking noise ordinance. The police nor animal control warden have animal training or certifications.

ANSWER: Respondent has no knowledge thereof and demands strict proof thereof.

6. The type of pollution from noise is as follows:

Noise and Vibrations from stereo and honking car horn.

Noise from barking dog.

ANSWER: Respondent denies allegations of noise and vibrations from stereo and honking car horn and from barking dog and demands strict proof thereof.

Over the last 10 years, Mr. Egan has entered in a pattern of behavior to force me to move from my home starting with annoying and loud stereo that permeates through his "frame" house;

they are built with much less mass and density than a concrete house, that transfers more airborne noise. When harassment by Mr. Egan did not force me to move, Mr. Egan acquired a dog to harass me and my cats by letting his dog loose into the back yard running/chasing and jumping along the fence constantly barking while my cats and I are in the yard doing yardwork and/or relaxing.

Daily, loud, piercing and excessive dog barking....

Mr. Egan has changed his tactic of torment towards me and my cats, that includes tormenting my cats by escalating his strategy and implementing a barking dog to cause more destruction.

Mr. Egan now owns a mid sized dog....

Mr. Egan encourages the aggressive behavior and does nothing to deter the dog...

However, the dog knows commands and will stop with a whistle from the owner...but chooses not to do so.

ANSWER: Respondent denies that he has violated any ordinances or engaged in “a pattern of behavior to force ...to move” or acquired a terrier to harass Complainant and denies as well the remaining allegations that he has “changed his tactic of torment”. Respondent admits that he now owns a midsized dog and denies that he encourages any behavior from his dog. Respondent denies the remaining allegations and demands strict proof thereof.

Mr. Egan engages in arguments and profanity.....

Mr. Egan is irritated by all forms of wildlife.....

I have evidence that a squirrel was shot while traveling on the top of the fence, midway in the yard, the squirrel was left dead on my yard.

ANSWER: Respondent denies shooting any squirrels or leaving anything dead in Petitioner’s yard and further denies the remaining allegations is said paragraphs and demands strict proof thereof.

Mr. Egan has been making up false statements to the police and in police statement. He has instigated rumors, now involved in a conspiracy with others to spread viscous lies in the neighborhood to create hate towards me in an effort to gain sympathy.

ANSWER: Respondent denies that he has been making up false statements to the police and in police statement. Respondent also denies instigating rumors, now involved in a conspiracy with others to spread viscous lies in the neighborhood to create hate towards Complainant.

May 1, 2020, Mr. Egan was delivered a cease-and-desist from Shimanovsky & Moscardini, LLP.

ANSWER: Respondent admits that he was delivered a letter from Shimanovsky & Moscardini, LLP.

For years on a daily basis, the dog barks as early as 6:00 a.m. when the cats are roaming, resting, or moving about my property. The dog will continue to bark and growl as I move about my yard and along my fence line, following me as I do my yard work. Any movement made by the cats will cause the dog to bark. When I let the cats on the second story balcony, the dog is jumping high into the air, as if to jump over the fence to get to the cats.

ANSWER: Respondent denies that for years on a daily basis, the dog barks as early as 6:00 a.m. and that the dog will continue to bark and growl as Complainant moves about her yard. Respondent admits that the actions of her stable of cats do cause the dog to bark.

I have many videos of the constant barking, running along the fence line, jumping the top of the fence line to try to get over the fence into her yard. Stationed at the fence barking as Complainant is working on her garden with no intervention by Mr. Egan.

ANSWER: Respondent denies these allegations and demands strict proof thereof.

Police Report case# 22-02720, dated June 18, 2022, Mr. Egan threatened me last June in an angry tone after I definitively confirmed and made the statement clear that “I am not moving!”, Mr. Egan got enraged and angrily responded: “I hope you die!” I hope you die today!” In that report, the officer stated that “Mr. Egan who did not deny stating that he hopes she dies but stated that it was not a threat and that the whole block probably does [die].”

ANSWER: Respondent denies that he threatened anyone and demands strict proof thereof.

8. Effects of noise pollution on human health, planet, animal life, environment, on any lawful business or activity is harmful.

ANSWER: No allegation in this Section is directed at Respondent but Respondent demands strict proof of the allegations therein.

9. Describe the relief that you seek from the Board (e.g. an order requiring that the respondent stop polluting, take pollution abatement measures).

ANSWER: Respondent alleges that Petitioner’s complaint is frivolous and duplicative of previous complaints.

WHEREFORE, Respondent requests that this matter be dismissed with costs to be borne by the Plaintiff.

AFFIRMATIVE DEFENSES

Now comes Respondent and as his affirmative defenses to the complaint states as follows:

1. The complaint does not state a cause of action as it doesn’t state with specificity that the allegations took place within the applicable limitations period giving the Illinois Pollution Control Board jurisdiction.

2. Numerous allegations contained in the complaint are not encompassed within the jurisdiction of the Illinois Pollution Control Board.

3. The complaint is based on conclusory allegations and does not state facts sufficient to state a cause of action within this board's jurisdiction.

Wherefore, Respondent asks that Petitioner's complaint be dismissed and held for naught.

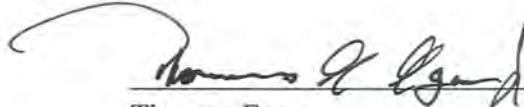
By: 

One of the attorneys for Respondent

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

CERTIFICATE OF SERVICE

The undersigned, a non-attorney, deposes and states that on March 26, 2024, she served the foregoing Thomas Egan's Answer to Complainant's Formal Complaint upon the individual listed above via first-class mail, proper postage prepaid, in the U. S. Mail at 7270 W. College Drive, Suite 101, Palos Heights, Illinois 60463.

By: 
Loretta Doyle