

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
 Via U.S. Mail

PLEASE TAKE NOTICE that on April 22, 2024, we filed with the Office of the Clerk of the Pollution Control Board the **Respondent’s Interrogatories to Complainant, Respondent’s Requests to Admit to Complainant, and Respondent’s Requests for Production of Documents to Complainant** 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
 David A. Fewkes
 7270 W. College Drive, Suite 101
 Palos Heights, IL 60463
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 Attorney No. 56616
Dfewkes@wfstrialaw.com

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RESPONDENT’S INTERROGATORIES TO COMPLAINANT

NOW COMES the Respondent, Thomas Egan, by and through his attorneys, Walsh, Fewkes & Sterba, and hereby requests that Complainant answer the following interrogatories under oath in accordance with applicable Illinois law and all current case management orders of the Hearing Officer in this matter:

DEFINITIONS

- A. “You” and “Your” refer separately and respectively to each Complainant that has filed a Complaint in the above captioned matter, and upon whom this request is served, including both conjunctively and disjunctively, Thomas Egan, or any other person or organization, such as an attorney, spouse, legal guardian, partner, employee, agents, representative, and their successors and assigns acting on behalf of Complainant for the purpose of the matter under inquiry.
- B. The “Respondent” as used in this document, means Thomas Egan and his agents, and attorneys.
- C. “And” and “or” shall be construed conjunctively and disjunctively as necessary to elicit the most complete and accurate response.
- D. “Document” or “Documents” means, without limitation, every written, graphic or recorded matter of every kind and description, whether produced or reproduced, whether in draft or final form, whether in hard-copy or electronic format, whether an original or reproduction, including all data and data compilations stored in any medium from which information can be obtained or translated into a reasonable usable form, and any other materials similar to any of the foregoing, however denominated, including all non-identical versions, including, without limitation, papers, photographs, films, recordings, memoranda, books, records, accounts,

- communications, and all retrievable information in computer storage, which are in the possession, custody, or control of the party upon whom this discovery request is served, or to which that party can otherwise lawfully obtain access.
- E. “Relating to,” including its various forms such as “in regard to,” “referring to,” “regarding,” “concerning,” and “in connection with,” means: consists of, refer to, reflects, or be in any way logically or factually connected with the matter discussed.
- F. “Identify,” when used with respect to any individual, means to state the person’s:
- 1.) Full name;
 - 2.) Most recent home address and telephone number;
 - 3.) Present business affiliation and position; and
 - 4.) Past position or affiliation with any of the parties herein.
- G. “Identify,” when used with respect to a company, department, agency, or other similar entity, means to:
- 1.) State the entity’s legal name and the names under which it operates;
 - 2.) State its form (e.g., “agency,” “corporation,” etc.);
 - 3.) Identify its principal officers and directors; and
 - 4.) State its address and telephone number.
- H. “Identify,” when used with respect to a document means to:
- 1.) State the date, author, addressees, type of document (e.g., “letter”); and
 - 2.) Identify its last known custodian and location.
- I. “Identify,” when used with respect to a communication, means to:
- 1.) State the substance of the communication;
 - 2.) Identify the persons between or among whom the communication was made;
 - 3.) Identify each person present when the communication took place;
 - 4.) State the date, time, and place (including exact address) when the communication was made and the manner in which it occurred (e.g., “meeting,” “telephone conversation,” etc.); and
 - 5.) Identify each document in which such communication was recorded, described, or memorialized, in whole or in part.

- J. "Identify," when used with respect to a fact, or to be factual basis for an assertion, means to:
1. State the fact;
 2. Identify all persons with knowledge of the fact; and
 3. Identify all documents which support or negate the existence of the fact.
- K. "Identify," when used with respect to a policy, method, or standard procedure, means to:
1. State the policy, method, or procedure;
 2. Identify how the policy, method, or procedure operates on a day-to-day basis; and
 3. Identify all documents which support the existence of such method, policy, or procedure.

INSTRUCTIONS

A. You shall interpret the singular form of a word in the plural, and the plural in the singular in order to maximize the scope of these requests. You shall construe the words "and" and "or" either disjunctively or conjunctively as necessary to maximize the scope of these requests to cover documents which you might otherwise construe to be outside of the scope of these requests.

INTERROGATORIES

1. Identify all persons who answered, assisted in answering, and prepared answers to these Interrogatories and who responded to, assisted in responding to, and prepared the responses to the Respondent's Requests for Production tendered simultaneously with these Interrogatories.
2. Identify each person you believe has knowledge of facts relating to this proceeding, and for each such person describe the subject matter as to which you believe the person has knowledge.
3. Pursuant to Illinois Supreme Court Rule 213(f), state the name and last known address of each person you intend to call as a witness at trial and, for each lay witness, specify the subjects on which the witness will testify.
4. Pursuant to Illinois Supreme Court Rule 213(f), for each independent expert witness you identified in response to Interrogatory No. 3, state the subjects on which the witness will testify and the opinions you expect to elicit.

5. Pursuant to Illinois Supreme Court Rule 213(f), for each controlled expert witness you identified in response to Interrogatory No. 3, state the subject matter on which the witness will testify; the conclusions and opinions of the witness and the bases for such conclusions and opinions; the qualifications of the witness; and any reports prepared by the witness about this proceeding.
6. Explain with specificity the factual basis for your allegations that the Respondent is currently in violation of the Pollution Control Board's noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)).
7. Describe all numeric measurements taken by you of sound emissions and all measurement techniques including but not limited to site selection, instrumentation set up, measurement site operation and instrument calibration, correction factors, reference time of testing, and compliance with ANSI standards.
8. Identify all persons or entities engaged by you to measure the alleged noise at your property.
9. For each person or entity identified in Interrogatory No. 8, describe the procedures used to take such measurements and findings of those noise tests, including but not limited to site selection, instrumentation set up, measurement site operation and instrument calibration, correction factors, reference time of testing, and compliance with ANSI standards.

Respectfully Submitted,

WALSH, FEWKES & STERBA

By: 
One of its Attorneys

WALSH, FEWKES & STERBA
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7270 W. College Drive, Ste. 101
Palos Heights, IL 60463
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RESPONDENT’S REQUESTS TO ADMIT TO COMPLAINANT

NOW COMES the Respondent, Thomas Egan, by and through his attorneys, Walsh, Fewkes & Sterba, and hereby propounds the following Requests to Admit Facts on in accordance with applicable Illinois law and all current case management orders of the Hearing Officer in this matter.

WARNING: IF YOU FAIL TO SERVE THE RESPONSE REQUIRED BY RULE 216 WITHIN 28 DAYS AFTER YOU ARE SERVED WITH THIS DOCUMENT, ALL THE FACTS SET FORTH IN THE REQUESTS WILL BE DEEMED TRUE AND ALL DOCUMENTS DESCRIBED IN THE REQUESTS WILL BE DEEMED GENUINE.

REQUESTS TO ADMIT

1. You have not taken numeric measurements of noise emissions at your property in adherence to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

ANSWER:

2. You have not hired any representative or expert to perform numeric measurements of noise emissions at your property in adherence to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

ANSWER:

3. Neither you, nor any of your representatives, have produced numeric testing of noise emissions at your property which conform to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

ANSWER:

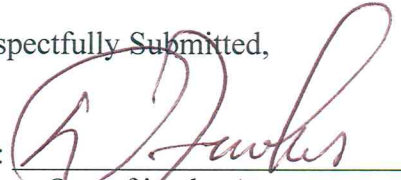
4. Neither you, nor any of your representatives, have produced any report of numeric testing of noise emissions at your property which conforms to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection, and which evidences a violation of the Pollution Control Board's noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)).

ANSWER:

5. You are not in possession of any evidence of a noise violation by the Respondent's since June 18, 2020, based on measurements required by Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

ANSWER:

Respectfully Submitted,

By: 
One of its the Attorneys

WALSH FEWKES & STERBA
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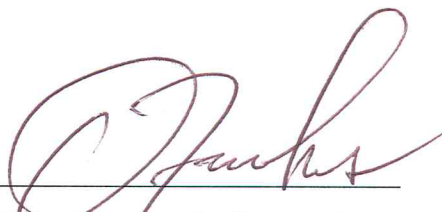
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RESPONDENT’S REQUEST FOR PRODUCTION

NOW COMES the Respondent, Thomas Egan, by and through his attorneys, Walsh, Fewkes & Sterba, and requests the following production of documents to Complainant.

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 Respondent’s Interrogatories delivered simultaneously with this Request to Produce.
2. Produce all numeric measurements taken of noise emissions at your property relating to your allegations against the Respondent, including but not limited to descriptions of corresponding measurement techniques and emissions results.
3. Produce all documents in your possession showing a current violation by the Respondent 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.
4. Produce all documents in your possession demonstrating a current violation by the Respondent of Illinois noise standards.
5. Produce and identify with specificity each document you intent to introduce as an exhibit or to offer into evidence at trial.
6. Produce and identify with specificity all documents considered or used in providing your Answers to the Respondent’s Interrogatories delivered simultaneously with this Request to Produce.

Respectfully Submitted,

By: 
One of the attorneys for Respondent

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