

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

ANNA ANDRUSHKO

**Complainant,**

**V.**

THOMAS EGAN

**Respondent.**

**PCB 23-133**

**NOTICE OF FILING**

TO: Illinois Pollution Control Board  
Attn: Don Brown – Clerk of the Board  
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Chicago, IL 60601  
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TO: Anna Andrushko  
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Evergreen Park, IL 60805  
[pcb23.133@gmail.com](mailto:pcb23.133@gmail.com)

PLEASE TAKE NOTICE that on July 28, 2025, we filed with the Office of the Clerk of the Pollution Control Board the **Egan's Amended Response to Petitioner's Amended Motion for Summary Judgment** on behalf of the Respondent, Thomas Egan, copies of which are herewith served upon you.

Respectfully Submitted,

WALSH, FEWKES &amp; STERBA

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>ANNA ANDRUSHKO,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>PCB 23 – 133</b>
<b>v.</b>	)	
	)	
<b>THOMAS EGAN,</b>	)	
	)	
<b>Respondent.</b>	)	

**EGAN’S AMENDED RESPONSE TO PETITIONER’S AMENDED MOTION FOR  
SUMMARY JUDGMENT**

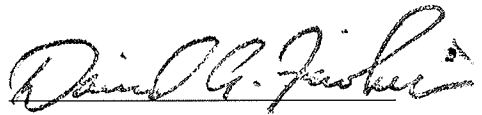
NOW COMES the Respondent, Thomas Egan, by and through his attorneys, Walsh, Fewkes & Sterba, P.C., and in response to Petitioner’s Amended Motion for Summary Judgment states:

1. Petitioner’s motion is premature.
2. Petitioner has filed a complaint containing allegations that have been specifically denied by Respondent in his answer.
3. Discovery is ongoing and motions concerning Respondent’s interrogatories and requests for production – referenced on page two of her Amended Motion for Summary Judgment – are currently pending and have not yet been ruled upon.
4. Respondent has identified two witnesses who have yet to be deposed. Their deposition testimony is necessary for a full and fair development of the factual record.
5. Neither Petitioner nor Respondent has been deposed to date, and their testimony is presumed to bear directly on the underlying facts of the case.

6. Although Petitioner asserts that no genuine issues of material fact exist, discovery remains incomplete and neither party has yet been deposed. Accordingly, Petitioner's motion is not ripe for adjudication.
7. Granting summary judgment prior to the completion of discovery would in effect, amount to rendering judgment on the pleadings – despite the fact that the pleadings reflect disputed issues of fact.

FOR THE REASONS set forth above, Respondent respectfully requests that Petitioner's Amended Motion for Summary Judgment be denied.

WALSH, FEWKES & STERBA

By:   
One of the attorneys for Respondent

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