

ILLINOIS POLLUTION CONTROL BOARD
August 12, 2025

ANNA ANDRUSHKO,)	
)	
Complainant,)	
)	
v.)	
)	PCB 23-133
THOMAS EGAN,)	(Citizens Enforcement – Noise)
)	
Respondent.)	

HEARING OFFICER ORDER

On May 28, 2025, complainant filed a motion for summary judgment. On June 6, 2025, complainant filed an amended motion for summary judgment¹. On July 28, 2025, respondent filed a response and an amended response to complainant’s motion for summary judgment. (Resp.)

Respondent argues in his response that a motion for summary judgment is premature because “[d]iscovery 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 been ruled upon.” Resp. at 1. Respondent additionally argues that depositions have yet to be completed. *Id.*

On July 3, 2025, complainant filed a “Fourth Motion To Compel Discovery And Sanctions”. (Mot. To Compel). To expedite this enforcement matter, complainant is directed to file an amended Motion to Compel, stating clearly what she wants compelled from each of respondent’s fillings. Complainant references August 8, 2024; November 18, 2024; December 30, 2024; May 29, 2025, in her amended motion for summary judgment. Due to the number of responses, amended responses, revised responses and supplemental responses filed by the respondent to complainant’s written discovery, it is unclear what remains outstanding. Complainant is directed to file an amended motion to compel, stating the questions in full and follow with respondent’s latest response and then her objection. Respondent is to file his response.

Complainant references the Federal Rules of Civil Procedure in her motion. Mot. To Compel at 1. The Federal Rules do not apply here. The Board procedural rules govern, but the Board may look to the Code of Civil Procedure and the Supreme Court Rules for guidance when the Board’s procedural rules are silent. 35 Ill. Adm. Code 101.100(b). The parties are reminded that the purpose of discovery is to uncover all relevant information and information calculated to lead to relevant information. See 35 Ill Adm. Code 101.616(a). For instance, complainant’s questions regarding where respondent acquired the dog; dog boundaries; whether the dog is

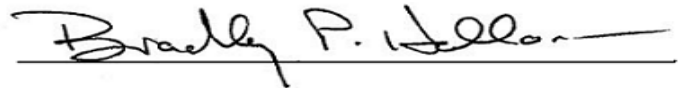
¹ Neither motion was paginated.

provided chew toys, among others, is not relevant or calculated to lead to relevant information in this noise enforcement matter.

Complainant's amended motion to compel is due to be filed by August 22, 2025. Respondent's response is due to be filed by September 5, 2025. Respondent's motions to strike will be addressed at the next status conference.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on September 11, 2025, at 10:00 a.m. The telephonic status conference must be initiated by the complainant by calling the number below, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter, deposition dates, and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

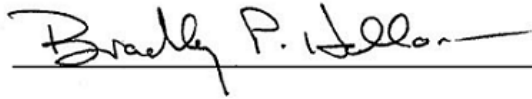
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on August 12, 2025, 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 August 12, 2025:

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

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

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 2023-133@
Anna Andrushko
9313 S. Spauling Avenue
Evergreen Park, IL 60805

PCB 2023-133@
David A. Fewkes
Walsh, Fewkes & Sterba
7270 W. College Drive
Suite 101
Palos Heights, IL 60463