

Respondent.

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PCB 23-133

NOTICE OF FILING

TO: Anna Andrushko
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By:

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**RESPONDENT'S AMENDED ANSWER TO AMENDED REVISED COMPLAINANT'S
INTERROGATORIES**

II. Information Regarding the Dog's Barking:

3. Information about the dog and the subject of this complaint.

- g. Where did you acquire the dog? What facility, shelter, or owner? Please state facility, shelter and location. Provide a License of the facility or Business License.

Answer: e-g. Thomas E. Egan is the original owner of the dog.

The dog was purchased from Mr. Patrick Biro, who now lives in France.

Respondent does not have a license of the facility.

- o. Characteristics of the dog influenced by breeding for specific purposes and behavioral tendencies and temperaments:
What is the breed group? Sporting, Hound, Terrier, Working, Toy, Non-Sporting, Herding? Please explain.
What is the adaptability? Suited for what environment or lifestyle? Apartment living or active outdoor adventures? Please explain.

Answer:

- o. The dog is a terrier. They like to go outside. Any information as to the adaptability of the dog's breeding group is just as available to Petitioner as it is to Respondent.**

5. Have you consulted your vet or trainer about continued behavior of your dog barking when you continue to face issues? Please provide documentation. Please explain.

Answer: No.

9. Guidelines for Responsible Pet Ownership and obey all local ordinances and to avoid or limit dog barking:

- a. Do you provide basic health and welfare to eliminate disturbing the neighbors from barking? Please list, such as adequate food, water, shelter, yard space, companionship for the dog?

Answer: Yes, the dog is provided with basic health and welfare along with adequate food, water, shelter, yard space, and companionship.

11. Give a detailed statement of the facts as to how you argue that the noise pollution (music, honking of car horns aimed at the complainant when passing by her, dog barking at complainant) took place after **May 01, 2020, Cease and Desist** letter Mr. Egan received to include any facts and documents upon which you intend to rely upon in support of any defense.

Answer: I have never once driven past the complainant and blown my horn. Objection as to the form of the question as it is unclear, vague, grammatically nonsensical and calls for a narrative answer more appropriately addressed in a deposition.

13. Please describe in detail the circumstances under which your dog barks. Include, but not limited to:

- b. Frequency of dog barking?
- c. Duration? Daily or Weekly basis?

Answer: b. When stimulated by cats or squirrels.

c. The dog has never barked all day or all week.

17. What is your motivation for allowing your dog to bark? Please explain.

Answer: Objection. Vague and irrelevant. Further, this allegation assumes facts not in evidence as well as assumes Mr. Egan has a motivation for his dog's barking and again is more appropriately addressed in a deposition.

III. Preventative Action / Noise Abatement :

26. Do you dispute that the barking of your dog has caused a disturbance to Ms. Andrushko? If so, please state all the reasons for your denial?

Answer: Objection. Calls for speculation, is irrelevant and vague. Further, the question asks Mr. Egan to guess as to Ms. Andrushko's state of mind. Mr. Egan can state that the dog's barking has never caused a disturbance to anyone else.

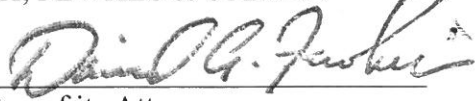
27. Describe your understanding of local noise or nuisance ordinances related to dog barking.

Answer: Objection. More appropriately answered in a deposition, is irrelevant and vague, and calls for a narrative answer again more appropriately addressed in a deposition. Mr. Egan has never been cited for a violation of any local noise or nuisance ordinance.

Investigation continues as to all questions, and these questions are all objected to as being irrelevant and unlikely to lead to any relevant information.

Respectfully Submitted,

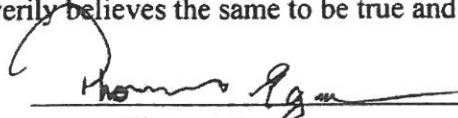
WALSH, FEWKES & STERBA

By: 
One of its Attorneys

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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