

ILLINOIS POLLUTION CONTROL BOARD

ANNA ANDRUSHKO

Complainant,

V.

THOMAS EGAN

Respondent.

PCB 23-133

NOTICE OF FILING

TO: Illinois Pollution Control Board
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PLEASE TAKE NOTICE that on November 3, 2025 we filed with the Office of the Clerk of the Pollution Control Board the **Respondent's Response in Opposition to Complainant's "Second Motion To Compel Discovery and Sanctions,"** on behalf of Respondent, Thomas Egan, copies of which are herewith served upon you.

Respectfully Submitted,

WALSH, FEWKES & STERBA

By:

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

RESPONDENT'S RESPONSE IN OPPOSITION TO COMPLAINANT'S SECOND MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

I. Introduction

Respondent Thomas Egan, by and through undersigned counsel, respectfully opposes Complainant's "Second Motion to Compel Discovery and Sanctions." The motion repackages issues already addressed through timely responses and good-faith, well-grounded objections. It seeks intrusive third-party information and legal conclusions that are neither relevant nor proportional to the narrow question presented in this case—whether Mr. Egan caused a noise violation under the Act. The motion—and the request for sanctions—should be denied.

II. Background

Complainant served interrogatories on June 4, 2024. Respondent served responses and later supplements. Complainant now challenges a subset of items—largely the same topics previously discussed between the parties—and seeks sanctions as to Interrogatories 3(a), 3(c), 5, 9(a)–(c), 10, 11(b), 13(b)–(c), 17, 26 (revised), and 27.

III. Governing Principles

Discovery is limited to non-privileged matter relevant to claims or defenses and proportional to the needs of the case. Requests that are overbroad, cumulative, unduly burdensome, seek private third-party data, or call for legal conclusions are improper. Parties may assert specific objections and provide proportional information without waiving privileges or privacy protections.

IV. Argument

A. Interrogatory 3(g)–(o): Identities of facilities/shelters/breeders; breed "purpose" and traits

Complainant seeks expanded identification and contact information for any facility, shelter, breeder, and related persons, as well as narrative descriptions of breed purpose, traits, and energy level. The requests are overbroad, seek private third-party identifying information with no bearing

on whether current barking constitutes a violation at Complainant's property, and are untethered to any relevant time period. Without waiving objections, Respondent has already stated when and from whom the dog was obtained. Demanding third-party names, addresses, and speculative breed treatises is disproportionate and not reasonably calculated to lead to admissible evidence as to this dog, in this environment, on the dates at issue.

B. Interrogatory 5: Consultation with trainer/behaviorist

Respondent answered that no consultation occurred. There is no "documentation" to produce where the substantive answer is "no." No further order is warranted.

C. Interrogatories 9(a), 9(b), 9(c), 9(e), 9(g) and 11(a)-(b): Care, enrichment, training, "isolation"

Complainant demands granular details (e.g., food brands, feeding schedules, water sources, crate/shelter construction, enrichment inventories, boundary-teaching methods, and whether the dog is ever isolated). Much of this bears no nexus to whether off-property barking met any regulatory threshold. To the extent mitigation is relevant, Respondent has already disclosed that he exercises and supervises the dog, brings the dog indoors when barking occurs, and uses verbal correction. The demand for "documentation" of ordinary pet care is overreaching and not proportional.

Interrogatory 9(c) regarding "isolation" has been answered: the dog is not left isolated in a manner designed to cause barking.

Interrogatory 11(a) effectively asks for every date and time the dog did not bark in Complainant's presence—an impossible task. Interrogatory 11(b) is vague, goes to the ultimate issue, and is more appropriately addressed in deposition.

D. Interrogatories 13(b)-(c): Circumstances and frequency of barking

Respondent has answered that the dog may bark when stimulated by squirrels, cats, or similar triggers, and that he intervenes. A demand for a forensic taxonomy of every possible pattern of barking across months or years is speculative, unduly burdensome, and exceeds the proportional needs of this case.

E. Interrogatory 17(a)-(b): Complaints and remedial steps since June 26, 2023

Complainant seeks identification of all formal and informal complaints and all steps taken, with receipts and notes. The request is irrelevant and overly burdensome to the limited issue before the Board. Respondent has stated that he removes the dog from potential stimuli when barking occurs, installed a screen to limit sightlines into Complainant's yard, and has restricted the dog's backyard access—particularly as Complainant has attempted to record barking when the dog is indoors. These disclosures adequately address mitigation; further compulsion is unwarranted.

F. Interrogatories 26 (revised) & 27: Legal defenses and "understanding" of ordinances

As reframed, these interrogatories improperly seek legal opinions and attorney mental impressions. Respondent has pleaded defenses and produced facts relevant to causation and mitigation. The text of any applicable ordinances is a matter of public record equally available to Complainant.

V. The Request for Sanctions Lacks Merit

Sanctions are extraordinary and require a showing of willful noncompliance. The record shows timely responses, specific and good-faith objections, and a willingness to confer. The motion itself acknowledges that many substantive answers were provided (e.g., triggers and mitigation) but labels them "insufficient." A disagreement over scope is not sanctionable.

VI. Conclusion

For the foregoing reasons, Respondent respectfully requests that the Board deny Complainant's Second Motion to Compel Discovery and for Sanctions, and grant such other relief as the Board deems just and proper.

Respectfully submitted,

By:


One of the Attorneys for Respondent

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