

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Catherine Johnson, DDS and

Eric Johnson, DDS,

Complainants

PCB 2026-061

v.

Village of Willowbrook, Illinois, Parks and

Recreation Department

Respondents.

COMPLAINANTS' RESPONSE TO RESPONDENT'S MOTION TO DISMISS AND MOTION TO
CORRECT MISNOMER

Now come the Complainants, Catherine Johnson, DDS and Eric Johnson, DDS appearing pro se, and respectfully requesting that the Illinois Pollution Control Board (the Board) deny the Respondent's Motion to Dismiss. Complainants further move the Board for leave to correct a misnomer to reflect the correct corporate name of the Respondent. In support thereof, Complainants state as follows:

I. INTRODUCTION AND PROCEDURAL STANDARD

1. Complainants filed a formal citizen noise enforcement complaint regarding intense, unmitigated noise originating from eight (8) municipal outdoor pickleball courts sharing property line with our private residence (6, Exhibit A).
2. Respondent has filed a Motion to Dismiss, arguing that the complaint is "frivolous" because the Board's noise regulations allegedly do not apply to the activity of pickleball, naming a municipal department (Parks and Recreation) along with Village

of Willowbrook and asserting that the Board lacks jurisdiction under a statutory sports exemption.

3. Under Board procedural rules (35 Ill. Adm. Code 101.202), a complaint is only "frivolous" if it requests relief the Board has no authority to grant or fails to state a cause of action.
4. For the purposes of a Motion to Dismiss, the Board must accept all well-pleaded facts in the complaint as true, interpreting them in the light most favorable to the non-moving party (Complainants).

II. ARGUMENT

A. Including "Parks and Recreation Department" is a Misnomer that does not warrant case dismissal.

5. Respondent argues the case should be dismissed because the complaint improperly names "Parks and Recreation" in place of the overarching corporate entity of the Village of Willowbrook, an Illinois Municipal Corporation.
6. Under long-standing Illinois administrative and civil practice, a Misnomer of a party is a minor clerical error and is not a valid reason for dismissal. The Village of Willowbrook was always named first as Respondent. The addition of the department name was extra-descriptive text.
7. The real party of interest clearly has received actual, timely notice of all actions. It has suffered zero prejudice or surprise, as evidenced by its corporate legal counsel appearing to defend this matter.
8. The proper remedy for a Misnomer is simply to correct the record. Complainants move that the Board amend the captions and pleadings to reflect the name of the Respondent: **Village of Willowbrook, an Illinois Municipal Corporation.**

B. The Complaint is Not Frivolous; Board Noise Regulations Fully Apply to This Unmitigated Facility

9. Respondent's counsel falsely asserts that the complaint is "frivolous" under the theory that the Board's noise regulations do not apply to the specific activity of eight outdoor, unmitigated, free-play pickleball courts operative feet (Exhibit A) from Complainants shared residential property line daily from 6am to dusk (Exhibit B). This argument completely misstates Illinois environmental law.
10. Under Board Rule 35 Ill. Adm. Code 900.102, no person shall cause or allow the emission of sound that causes "noise pollution" by unreasonably interfering with the enjoyment of life, health, or property. This regulation applies universally to any non-

exempt sound emissions crossing a property boundary that result in a public nuisance.

11. The physical and operational realities of this facility place it squarely within the scope of actionable noise pollution under Section 900.102:
 1. Proximity: Eight active outdoor courts operate 165 feet away (Exhibit A) from the shared residential property line with zero acoustic mitigation.
 2. Volume and Density: This size facility allows up to 32 active players with additional waiting spectators (up to 36 people every hour, daily) generating continuous, sharp, impulsive, high-frequency impact popping noise that travels to nearby properties.
 3. Extreme Duration: This unmitigated noise pollution persists daily from 6am to dusk (up to 15 hours a day)(Exhibit B), destroying the quiet enjoyment of Complainants' home.
12. Respondent's claim that regulations do not apply is thoroughly false as concrete evidence that even the Respondent has put into their own public record (Exhibit D). Complainants are prepared to add evidence to support their formal noise enforcement complaint at a hearing.
 1. Objective Noise Studies including Respondent own latest study.
 2. Detailed Logbooks with Noise Metrics.
 3. Admission of the Respondent via Mayor Frank Trilla (Exhibit E) – Complainant possesses an audio recording/timestamped where the Village would be interested in "buying you out" whereas Complainants home is not and has never been for sale. This is a major stressor to Complainants as it demonstrates that the Village of Willowbrook disregards current daily noise emanating from the 8 outdoor pickleball courts and is creating a negative environment for Complainant.
13. Mayor Trilla's position as Village's Chief Executive, in a cold call that ends with Village interest in purchasing Complainants' "not for sale" home constitutes an extraordinary, direct acknowledgement by the Chief Executive of Respondent Municipality that the facility's noise emissions over the shared property line are causing substantial severe violations of 35 Ill. Adm. Code 900.102. A municipality would not attempt a costly property buyout unless it fully recognized that the noise was severe, legally actionable, and governed by the Board's regulations. In addition, any attempt to purchase Complainants' property directly North of Borse Memorial Community Park would release Respondent from further noise pollution mitigation.
14. Because the regulations fully apply to this severe nuisance, and because the Complainants have compiled the necessary facts to win at trial, the complaint cannot be deemed "frivolous". Whether this noise is "unreasonable" under the multi-factor

test of 415 ILCS 5/33 (c) is a question of fact that requires an evidentiary hearing, making dismissal at this stage wholly improper.

C. The Casual Public Use of Free Play on Municipal Courts Does Not Trigger the Section 25 Exemption

15. Respondent asserts that the Board lacks jurisdiction because Section 25 of the Act (415 ILCS 5/25) exempts "organized amateur sporting activities" from noise regulations. This is an overbroad, legally flawed misinterpretation of the statutory framework.
16. Under 415 ILCS 5/3.25, an exempt "organized amateur or professional sporting activity" is strictly defined as an athletic event carried out as a business, or for educational, charitable, or public entertainment exhibition purposes (415 ILCS 5/3.25).
17. The noise pollution at issue stems from eight free, open play-access municipal park pickleball courts. Players currently pay no fees to use the courts at Borse Memorial Community Park, no commercial business or enterprise is operating, and no formal structured public entertainment exhibitions or tournaments take place.
18. Casual, unorganized public recreation at a municipal park is a non-exempt activity. Therefore, Section 25 statutory exemption does not apply, and the Board retains full jurisdiction over these noise emissions.
19. Furthermore, whether a specific municipal facility triggers Section 25 sporting exemption is a highly intensive inquiry that must be resolved through an evidentiary hearing. Opposing counsel cannot claim a complaint is "frivolous" by raising an affirmative defense that requires outside evidence to prove.

III. In Conclusion

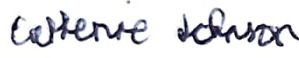
Wherefore, Complainants respectfully request that the Board:

1. DENY the Respondent's Motion to Dismiss in its entirety;
2. GRANT Complainants' Motion to Correct Misnomer, substituting Village of Willowbrook, an Illinois Municipal Corporation as the corrected Respondent; and
3. ALLOW Complainant at the proper time to submit long awaited FOIA obtained data, along with clarified visual exhibits which will resolve the pleading deficiencies alleged in Respondent's Motion to Dismiss at a future appropriate date. We request this based on delays from Respondent in obtaining said FOIA CERTIFIED and TRUE documents, et al. As pro se Complainants, we are ever grateful to the State of Illinois Pollution Control Board for the opportunity to address noise pollution and mitigate such.

We ask the Board if ever finding our complaint lacking, they allow us Leave to Amend so we can file more specific facts. We thank you very much.

August 13, 2026

Respectfully submitted,

Catherine Johnson, DDS and Eric Johnson, DDS

Complainants, pro se

215 75th Street

Willowbrook, IL 60527

630 917-0694

twothirty@comcast.net

Certificate of Service

We, the undersigned, certify that we have served a copy of the foregoing **Complainants' Response to Respondent's Motion to Dismiss and Motion to Correct Misnomer** upon the Respondent's Attorney of Record, along with this **Certificate of Service** to:

Michael R. Durkin

Storino, Ramello & Durkin

9501 Technology Blvd., Suite 4200

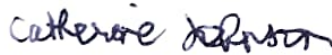
Rosemont, IL 60018

847 318-9500

mdurkin2@srd-law.com

This 13th day of August, 2026, by:

Depositing a true and correct copy of the same in the United States Postal Office at Westmont, Illinois enclosed in a post-paid envelope.



Catherine Johnson, DDS

215 75th Street

Willowbrook, Illinois 60527-2388

630 917-0694

twothirty@comcast.net



Eric Johnson, DDS



WESTMONT
5707 S CASS AVE
WESTMONT, IL 60559-9998
www.usps.com

08/13/2026

03:20 PM

TRACKING NUMBERS

— 9589 0710 5270 3828 7313 99

TRACK STATUS OF ITEMS WITH THIS CODE
(UP TO 25 ITEMS)



TRACK STATUS BY TEXT MESSAGE
Send tracking number to 28777 (2USPS)
Standard message and data rates may apply

TRACK STATUS ONLINE
Visit <https://www.usps.com/tracking>
Text and e-mail alerts available

PURCHASE DETAILS

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope Des Plaines, IL 60018 Weight: 0 lb 1.50 oz Estimated Delivery Date Sat 08/15/2026	1		\$1.98
Certified Mail® Tracking #: 9589 0710 5270 3828 7313 99			\$5.55
Total			\$7.53
Grand Total:			\$7.53
Credit Card Remit			\$7.53
Card Name: VISA			
Account #: XXXXXXXXXXXXX9058			
Approval #: 00540D			
Transaction #: 942			
ATN: A0000000031010			

Chin

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Des Plaines, IL 60018

Certified Mail Fee \$5.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$1.98

Total Postage and Fees \$7.53

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

0959
24Postmark
Here

08/13/2026

9589 0710 5270 3828 7313 99