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SEP 24 2004

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

DAVID MCDONOUGH AND )  
JACQUELYN MCDONOUGH )

Complainants, )

v. )

GARY ROBKE, )

Respondent. )

Case PCB-00-163

(Enforcement; Noise; Citizens)

**RESPONDENT'S RESPONSE TO COMPLAINANT'S  
MOTION TO APPLY SANCTIONS**

Comes now respondent, Gary Robke, by and through his attorney, Stephen R. Wigginton, of Weilmuenster & Wigginton, P.C., for his Response to Complainant's Motion to Apply Sanctions and in support thereof states as follows:

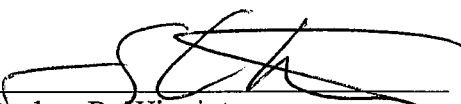
1. The Respondent, Gary Robke, has selected the fencing with approval of the Complainants, David and Jacquelyn McDonough.
2. The Respondent has called the City Manager many times to spot flag the location of the City's easement.
3. The building inspector, Danny Schrempf is suppose to go to the site this week to mark the City's easement and approve the fence location.
4. The Joint Utility Locating Information for Excavators ("J.U.L.I.E.") located the utility lines on or about September 16, 2004.
5. The parties expect to proceed with the construction of the berm and fencing as soon as the City selects the location and approves the height.

WHEREFORE, Respondent, Gary Robke, respectfully requests that the Complainants Motion for Sanctions be denied and for such other relief the Board deems just under the circumstances.

Respectfully submitted,

WEILMUNSTER & WIGGINTON, P.C.

BY:

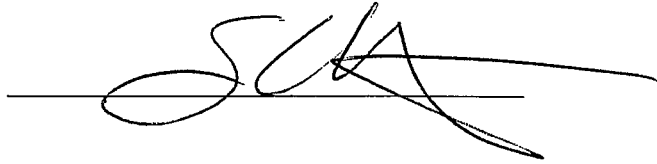
  
Stephen R. Wigginton

ATTORNEY FOR RESPONDENT  
3201 West Main Street  
Belleville, IL 62226  
(618) 257-2222

**PROOF OF SERVICE**

The undersigned certifies that on the 21 day of September, 2004, a copy of the foregoing pleading was served upon the following attorney(s) of record and interested parties to the above cause by the method indicated below:

- U.S. Mail
- Personal Delivery
- Facsimile
- Overnight Courier



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