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DEC 2 2003

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

MORRY GABEL, MYRA GABEL,)
DON FOREMAN, MARSHA FOREMAN,)
KEITH PINSONEAULT and TRACY PINSONEAULT.)

Complainant,)

vs.)

No. PCB 03-38

THE WEALSHIRE, INC., an)
ILLINOIS CORPORATION.)

Respondent.)

NOTICE OF SUBPOENA DUCES TECUM

TO: Mitchell S. Feinberg
Chuhak & Tescon, P.C.
30 South Wacker Drive
Suite 2600
Chicago, IL 60606

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph Street
Chicago, IL 60601

PLEASE TAKE NOTICE that on December 16, 2003, at the hour of 10:00 A.M., we shall cause the Records Deposition of Greg Zak d/b/a Noise Solutions by Greg Zak, pursuant to Subpoena Duces Tecum attached hereto, at the offices of Ash, Anos, Freedman & Logan, L.L.C., 77 West Washington Street, Suite 1211, Chicago, Illinois.

THE WEALSHIRE, INC.

By:  Ash, Anos, Freedman & Logan, L. L.C.

Bruce T. Logan
Ash, Anos, Freedman & Logan
77 West Washington Street
Chicago, IL 60602
(312) 346-1390
Attorneys for Respondent

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STATE OF ILLINOIS
Pollution Control Board

Before the Illinois Pollution Control Board

MORRY GABEL, et al,)	
)	
Complainant/Petitioner,)	PCB 03-38
)	
v.)	
)	
THE WEALSHIRE, INC.,)	
)	
Respondent.)	

SUBPOENA DUCES TECUM

TO: Greg Zak
a/k/a Noise Solutions by Greg Zak
36 Birch Drive
Chatham, IL 62629

Pursuant to Section 5(e) of the Environmental Protection Act (415 ILCS 5/5(e) (2002)) and 35 Ill. Adm. Code 101, Subpart F, you are ordered to produce documents in the above-captioned matter at 10:00 A.M. on December 16, 2003, at the offices of Ash, Anos, Freedman & Logan, L.L.C., 77 West Washington Street, Suite 1211, Chicago, Illinois 60602.

You are ordered to produce documents relevant to the matter under consideration and designated herein as per the attached Addendum.

Failure to comply with this subpoena will subject you to sanctions under 35 Ill.

Adm. Code 101.622(g) and 101802.

ENTER:

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Pollution Control Board

Date: February 13, 2003

I served this Subpoena Duces Tecum by delivering a copy by certified mail, return receipt requested, to Greg Zak, c/o Noise Solutions by Greg Zak, 36 Birch Drive, Chatham, IL 62629 on the 2nd day of December, 2003.

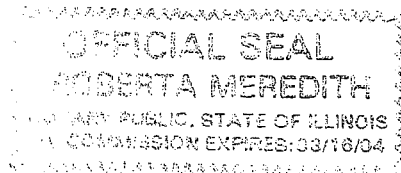
I paid the witness \$30.00 for witness and mileage fees.

Loral DeRose

Subscribed and sworn to before me this 2nd day of December, 2003.

Roberta Meredith

Notary Public



ADDENDUM TO
SUBPOENA DUCES TECUM

Definitions:

1. **Documents** - As used herein, the term "Documents" means and includes (without limitation and without regard to the form or manner of recording) any tangible thing producible, any correspondence, communications, instructions, intercorporate or interpersonal memoranda, notations, telegram wires, travel records, diary entries, appointment books, calendar pads, desk pads, telephone pads, brochures, pamphlets, notes, reports, summaries, directories, minutes, records, agreements, transcripts, reports, legal documents, billing records, invoices, drafts, attorney and accountant invoices, time records, accounting work sheets, canceled checks, vouchers, check stubs, drawings, graphs, charts, photographs, recordings, facsimile transmissions, computer data held within the computer data banks in electronic or digital form, computer tapes and printouts, e-mail correspondence and e-mail attachments, Excel document, Access documents, and any other data compilations from which information can be obtained and translated, if necessary, through detection devices into a reasonably understandable form, which are in the possession of or control of the Greg Zak or Greg Zak's attorneys, agents, representatives, employees, and/or anyone acting in his behalf.

Where computer data is held within computer data banks in electronic or digital form, the request for documents includes the request that all such data falling within the request be printed in hard copy and produced.

2. **The Wealshire** - As used herein "The Wealshire" shall refer to the Alzheimer's care facility located at 150 Jamestown Lane, Lincolnshire, IL 60069.

3. **Cooling Equipment** - As used herein "Cooling Equipment" shall refer to the Trane Liquid Chillers and other cooling equipment located at The Wealshire.

4. **Complainants** - As used herein, "Complainants" shall refer to Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault and Tracy Pinsoneault.

Production:

1. The personal resume/curriculum vitae of Greg Zak and any other persons acting in his behalf in connection with the testing done at The Wealshire.

2. All reports, white papers, studies, testing entries, and other documents concerning noise emissions from The Wealshire prepared by Greg Zak d/b/a Noise Solutions by Greg Zak or anyone acting in its behalf.

3. All correspondence by and between Greg Zak d/b/a Noise Solutions by Greg Zak and the Complainants or anyone acting in behalf of the Complainants.

4. All invoices, purchase orders, and bills submitted by Greg Zak d/b/a Noise Solutions by Greg Zak for testing done in connection with the Complainants' Complaint.

5. All cost estimates and bids of proposals for the modification to The Wealshire's Cooling Equipment.

6. All manufacturers' information concerning the Cooling Equipment located at The Wealshire.

7. All sound recordings of the noise allegedly emanating from The Wealshire.

8. All notes, logs, and diaries noting the times and dates of the complaints of noise allegedly emanating from The Wealshire.

9. All photographs taken in connection with any testing or investigation done concerning the alleged noise emanating from The Wealshire.

10. All reports, white papers, studies, testing, entries, and other documents concerning other noise investigations performed by Greg Zak or Noise Solutions by Greg Zak on any equipment manufactured by Trane, a Division of American Standard Companies.

AFFIDAVIT OF SERVICE

The undersigned, being first duly sworn on oath, deposes and says that she served the above and foregoing Notice Of Subpoena Duces Tecum by mailing a copy to:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, IL 60601
FAX 312-814-3669

Mitchell S. Feinberg
Chuhak & Tecson, P.C.
30 South Wacker Drive
Suite 2600
Chicago, IL 60606
FAX 312-444-9027

and depositing same in the U.S. Mail Chute at 77 West Washington Street, Chicago, Illinois 60602, at 5:00 P.M. on December 2, 2003, with proper postage prepaid.

Loral DeRosa

Subscribed and sworn to before me

this 2nd day of December, 2003

Roberta Meredith

NOTARY PUBLIC

