

IN THE MATTER BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

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OCT 07 2008

STATE OF ILLINOIS  
Pollution Control Board

KYLE NASH,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 07-96
	)	(Citizens Enforcement - Noise)
KAREN SOKOLOWSKI,	)	
	)	
Respondent.	)	
	)	
	)	
	)	

NOTICE

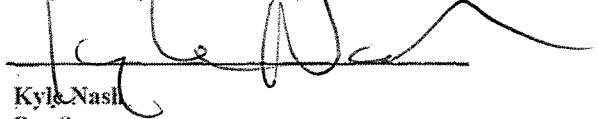
To: Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

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

Attorney for Respondent  
James M. Knox  
121 W. Chestnut, #3104  
Chicago, Illinois 60610

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a RESPONSE to Motion to Dismiss and AFFIDAVIT OF SERVICE , a copy of which is herewith served upon the assigned Hearing Officer, the Respondent, and the Respondent 's Attorney.

Respectfully submitted by,



Kyle Nash  
Pro Se

Dated: October 7, 2008  
1630 W. 33rd Place  
Chicago, Illinois 60608-6202  
773.744.1954

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Pollution Control Board

**PARAGRAPH 1** of the Respondent's Motion to Dismiss, by and through her attorney, James M. Knox, in part, states: ... *this matter has a long history...*

In fact, this matter has a far lengthier history than any of the dates relating to the IPCB Complaint indicates. For almost a year or more, before filing the Complaint, I made innumerable attempts to resolve this matter privately. All were unsuccessful.

My initial attempts included courteous and respectful - informal, as well as more formal - verbal and written communication with the Respondent. During that time, and with increasing agitation, the Respondent repeatedly indicated to me that it was her property, that she could do whatever she wanted to do, and that I should stop bothering her.

When I eventually became aware of an Illinois law that I thought pertained to the problem, I called the IPCB Attorney-of-the-Day to make certain and was told that it did. At that point, I provided the Respondent with a printed copy of that law, along with yet another respectful request to remove the wind chimes. They were not removed. Instead, the Respondent became even more upset.

Her long-term live-in boyfriend subsequently indicated to me that if a "cop" thought it was OK to leave the wind chimes up on his property, then it was OK for them to leave theirs up, too. The "cop" that the boyfriend was referring to is the neighbor living immediately next to my home on the opposite side, the Respondent in concurrent Complaint PCB 07-97 who is himself, the Respondent in concurrent Complaint PCB 07-97. That man is employed as a Chicago Law Enforcement Officer,

Since the concurrent Complaints were filed with the IPCB, this Respondent and her live-in boyfriend have frequently, publicly, and sometimes loudly and profanely, conferred with the other Respondent on this matter, frequently in front of my home where the windows are open. Quite recently, they retained the same attorney, James M. Knox.

Having provided the Respondent with a written copy of the Illinois state law that addressed this problem, yet without success regarding the removal of the wind chimes, I made one final attempt to resolve the matter privately. I requested that the problem be mediated between us (at no cost to either party) through the Center for Conflict Resolution (CCR) located in Chicago's Loop.

CCR's policy is to mail a printed copy of the initial request to the Respondent, followed-up by two (2) phone calls. Having received no response from the Respondent after those three contacts, CCR documented their unsuccessful attempts and sent me a copy. (That document was filed as an attachment to the initial Motion for Summary Judgment and referenced in the Amended Motion for Summary Judgment.)

In summary, before filing my initial Complaint with the IPCB, I tried everything within my power to resolve the matter reasonably, constructively, and privately with the Respondent, all to no avail.

**PARAGRAPH 2** of the Respondent's Motion to Dismiss, by and through her attorney, James M. Knox, in part, states:

*... the relief sought by the complainant is that the Board "order that the Respondent stop polluting."*

The wording for the relief sought is intentional; it seeks the broadest possible remedy. I do not feel that the Respondent has acted appropriately in this matter or in good faith. As a result, I do not believe the problem will be decisively resolved without a judgment in my favor for the broadest remedy. Based upon the Respondent's actions at being served with the Complaint and afterward (which are outlined in detail in this Response), anything short of a broad judgment will, instead, likely result in future noise being emitted from her property.

The exact nature of that future noise might take different forms than wind chimes – for example excessively loud music, early-morning banging outside my windows, continued loud, vulgar comments, etc. Having learned a great deal from this case, I believe the Respondent would become more clever, perhaps hiding the source of the noise so it would not be easily detectable, if detectable at all. I further believe that without a broad Judgment in my favor, the Respondent's reaction will further escalate and her retaliation will continue.

My reasons for making these claims are as follow:

The Respondent became increasingly angry and belligerent toward me as I continued to attempt to resolve the matter privately. The inappropriateness of her language became magnified as this matter has continued and when served with the initial Complaint, the Respondent's reaction was to shout profanities. Also, *second* set of wind chimes was immediately hung in her back yard. At that point, there were then two sets of noisy wind chimes – one in the front of her property and one in the back. (Photos of both sets of wind chimes as they hung on her property were filed as attachments to the initial Motion for Summary Judgment and referenced in the Amended Motion for Summary Judgment.)

Since that time and for the first time in all the years that we have been neighbors, dog feces, cigarette butts, and assorted garbage have been tossed into my fenced in back yard as well as my front yard. While I have no proof, the Respondent (and some in her household) is the only smoker in this entire section of our block. She also has three or four dogs. In addition, the Respondent, her live-in boyfriend, and other members of her household have frequently directed inappropriate comments and profane and vulgar language toward me alone, and in the presence of my two sons, escalating in frequency and intensity as the case has moved forward.

**PARAGRAPH 3** of the Respondent's Motion to Dismiss, by and through her attorney, James M. Knox, in part, states:

*...the complainant refers to certain wind chimes allegedly located on the Respondent's residential two-flat property, adjacent to complainant's residence based upon her observations and recording that she obtained in 2007.*

Nothing stated in Complaint PCB 07-96 or related to Complaint PCB 07-96 is alleged. Copies of photographs of both sets of wind chimes as well as a recording of the actual noise from those chimes (as heard from inside my home 6 feet away), were filed as attachments to the initial Motion for Summary Judgment and referenced in the Amended Motion for Summary Judgment.)

**PARAGRAPH 4** of the Respondent's Motion Dismiss, by and through her attorney, James M. Knox, in part, states that I [the Complainant] in my Amended Motion for Summary Judgment had acknowledged that the wind chimes had been removed.

In fact, after my complaint was filed, but not immediately, the wind chimes from her front porch were eventually taken down. However, before she chose to remove them, I made it clear to the Respondent in one or more phone hearings with the Hearing Officer "present," that the case would move forward regardless of if or when the chimes might be removed. The reasons are outlined in this Response.

In addition, I told the Respondent and Hearing Officer that I was still hearing chimes but could no longer determine exactly where they were located. I suggested that the original chimes had possibly been intentionally relocated and/or other chimes hung in a position that I would be unable to determine. The Respondent's back yard, which is fully enclosed by a fence, has many objects in it. I cannot see all parts of it.

**IN CONCLUSION**, seeing this case through to a positive official outcome for me from the IPCB is crucial. The Respondent has never taken this matter seriously and has continually felt that it's been in her best interest to disregard every attempt I made to resolve this matter privately, before filing a formal Complaint with the IPCB. No resolution has ever been sought, even privately, by the Respondent during the innumerable months this case has continued and she has chosen only very recently to retain an attorney.

While the Respondent and I have never experienced any trouble as neighbors before this, clearly she is not amenable to resolving matters in a reasonable and non-confrontational manner. Instead, she has demonstrated that when a concern arises, which she disagrees with, she does not respond in kind to courteous and reasonable requests made by me. She is not open to mediation and she has utter disregard for the law - even when that law is presented to her in print. Instead, she becomes belligerent, passive-aggressive, profane, and retaliatory.

I do not expect the Respondent's attitude, actions, or behaviors to change. In addition, I have been told by my Chicago Police District that my presenting an official judgment in my favor from the IPCB is the only document that Law Enforcement Officers will honor if called to my home in the future for noise problems.

Therefore, I respectfully request that the Board find in my favor with the broadest possible remedy, thus decisively ending this matter. Granting a judgment in my favor would be the *minimal* deterrent to the Respondent regarding continued, escalated, and/or more "creative" ways of emitting noise from her property in the future, as well as preventing acts of harassment toward me in the future.

[Handwritten Signature]  
(Complainant's signature)

CERTIFICATION

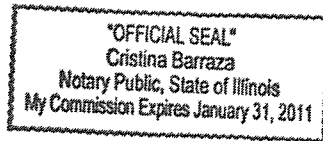
I, KYLE NASH, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

[Handwritten Signature]  
(Complainant's signature)

Subscribed to and sworn before me  
this 7<sup>th</sup> day  
of October, 2008

Cristina Barraza  
Notary Public

My commission expires: Jan 31, 2011



CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on (month, day, year)  
October 7, 2008, I served the attached notice and

Response to Motion to Dismiss to the respondent by:

X certified mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

\_\_\_\_\_ registered mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

\_\_\_\_\_ messenger service (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

\_\_\_\_\_ personal service (attach affidavit if available, otherwise you must file affidavit later with Clerk)


to the address below:

RESPONDENT'S ADDRESS:

Name Karen Sokolowski

Street 1634 W. 33rd Place

City, state, zip code Chicago, Illinois 60608-6202  
(list each respondent's name and address if multiple respondents)

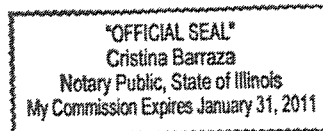
  
Complainant's signature

Street 1630 W. 33rd Place

City, state, zip code Chicago, Illinois 60608-6202

Subscribed to and sworn before me  
this 7th day  
of October, 2008

Cristina Barraza  
Notary Public



My commission expires: Jan 31, 2011

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on (month, day, year)  
October 7, 2008 I served the attached notice and Motion to Amend  
to the Respondent's attorney by:

certified mail (attach copy of receipt if available, otherwise you must  
file receipt later with Clerk)

registered mail (attach copy of receipt if available, otherwise  
you must file receipt later with Clerk)

messenger service (attach copy of receipt if available, otherwise you  
must file receipt later with Clerk)

personal service (attach affidavit if available, otherwise you  
must file affidavit later with Clerk)

to the address below:

Name James M. Knox, Attorney for the Respondent

Street Chestnut Tower, 121 W. Chestnut, #3104


City, state, zip code Chicago, Illinois 60610  
(list each respondent's name and address if multiple respondents)

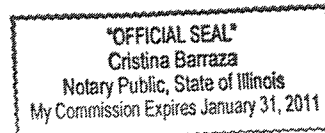
Complainant's signature 

Street 1630 W. 33rd Place

City, state, zip code Chicago, Illinois 60608-6202

Subscribed to and sworn before me  
this 7th day  
of October, 2008

  
Notary Public



My commission expires: Jan 31, 2011