

BEFORE THE ILLINOIS  
POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

DEC 01 2008

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

IN THE MATTER OF: )  
)  
JOSEPH & VICTORIA MORRISSEY, )  
)  
Complainants, )  
)  
v. )  
)  
GEOFF PAHIOS and ALPINE )  
AUTOMOTIVE, )  
)  
Respondents. )

PCB 09-10

NOTICE OF FILING

To: Joseph & Victoria Morrissey  
32 S. Chestnut Court  
Hawthorn Woods, Illinois 60047

Illinois Pollution Control Board  
James R. Thompson Center, #11-500  
100 W. Randolph St.  
Chicago, Illinois 60601

I, Bruce A. Slivnick, state that I have served a true copy of this Certificate of Service and Plaintiff's Notice to Produce, Request for Production, and Interrogatories upon the party to whom it is directed by mailing the same in a properly addressed, stamped envelope, sealed, postage prepaid and depositing same in the U.S. Mail box at 707 Lake Cook Road, Deerfield, Illinois, before 5:00 p.m., on this 28th day of November 2008.



Bruce A. Slivnick  
Attorney At Law  
707 Lake Cook Road, Suite 316  
Deerfield, Illinois 60015  
(847) 714-0503  
Attorney Number 6181410

ORIGINAL

**BEFORE THE ILLINOIS  
POLLUTION CONTROL BOARD**

**RECEIVED**  
CLERK'S OFFICE  
DEC 01 2008  
STATE OF ILLINOIS  
Pollution Control Board

<b>IN THE MATTER OF:</b>	)	
	)	
<b>JOSEPH &amp; VICTORIA MORRISSEY,</b>	)	
	)	
<b>Complainants,</b>	)	
	)	
<b>v.</b>	)	<b>PCB 09-10</b>
	)	
<b>GEOFF PAHIOS and ALPINE</b>	)	
<b>AUTOMOTIVE,</b>	)	
	)	
<b>Respondents.</b>	)	

**REQUEST FOR PRODUCTION**

To: Joseph & Victoria Morrissey  
32 S. Chestnut Court  
Hawthorn Woods, Illinois 60047

Pursuant to Supreme Court Rules 201(k) and 214, you are hereby requested to produce at the Law Offices of Bruce A. Slivnick and/or Paul J. Oleksak, the attorneys for the Respondents, within 28 days, for inspection, copying, reproduction and photographing, the following (together with any transcripts, reports, memoranda, or recordings purporting to reflect but not to evaluate the same):

**DEFINITIONS AND INSTRUCTIONS**

A. Any reference to a corporation, municipal corporation, partnership, association, person or other entity shall also include, where applicable, elected officials, appointed officials, subsidiaries, departments, member of appointed boards, officers, directors, employees, accountants, agents and/or other representatives.

B. The term "document" means any writing, graphic matter or other tangible thing, whether printed, recorded, produced by any process, or written or produced by hand, including but not limited to video tapes; CD ROMs; DVDs; computer stored videos; visual and/or audio representations of an occurrence kept in any form whatsoever; canceled checks; account statements; accounting summaries or reports; ledgers; letters; reports; other written communications; correspondence; telegrams; memoranda; summaries; records of oral conversations; original or preliminary notes; diaries; calendars; analyses; projections; work papers; photographs; tape recordings; computer hard drives or disks; E-Mail; statistical statements; notebooks; minutes or records of meetings; minutes or records of conference lists or persons attending meetings or conferences; notes, reports and/or summaries of investigations;

opinions or reports of consultants; appraisals; evaluations; records; summaries of negotiations, contracts, invoices, receipts and canceled checks; including preliminary drafts or revisions or copies of any of the foregoing if the copy is in any way different from the original now in your possession, custody or control of your counsel, independent public accountants, evaluation consultants, agents, employees, and/or people acting of on your behalf. As used herein "control" means actual possession, constructive possession, beneficial ownership, power and ability to obtain any document.

C. If a "document" has been prepared in several copies, or additional copies have been made and the copies are not identical (of by reason of subsequent modifications of the copy by additions or notations, or other modifications, are no longer identical), each non-identical copy is a separate document.

D. The words "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this set of requests any information which might otherwise be construed as outside their scope.

E. The term "relate or relating to" or "in connection with" shall mean consist of, refer to, or to be in any way logically or factually connected with the matter discussed, whether directly or indirectly.

F. Whenever appropriate herein the singular form of a word shall be interpreted as the plural form.

G. The term "communication" means any transmission of words or thoughts between or among two or more persons and includes, but is not limited to spoken words, conversations, inquiries, understandings, agreements, meetings, conferences, discussions, talks and reports, which transmitted in person or by any electronic device such as telephone, facsimile or radio, and documents as defined above.

H. The term "meeting" and "meetings" shall mean any coincidence of presence, whether by chance or prearranged, formal or informal in connection with some other activity.

I. In the event that the address of a place includes the improper municipality in which the location is located, the request shall be treated as if the proper municipality was referred to. Eg. "Hawthorn Woods" instead of "Lake Zurich".

J. The term "witness" means any person who has personal knowledge of the facts, allegations or other person or entity that otherwise be called upon to testify during the trial on the Complaint.

### **PRODUCTION REQUEST**

(1) The statement of any party to some person or entity other than his attorney or insurer, including that of the plaintiff(s), which is in your possession or control, directly or indirectly.

(2) The statement of any other witness, except parties to this action, non-treating experts and/or other participants who may yet have been named as a party because of the alleged noise pollution.

(3) All photographs, slides or motion pictures, video and/or audio recordings, taken to record the alleged noise pollution complained of in the complaint and/or the locations involved in the complaint.

(4) All data as to the physical or mental condition of the plaintiff(s) prior to or subsequent to the alleged noise pollution and which are claimed to have been caused by or exacerbated by said noise pollution including but not limited to medical reports documenting such claimed injuries.

(5) A list giving the names, addresses and specialties of all opinion witnesses (other than non-treating, purely consultant experts who are not testify at the trial), omitting all persons already listed above.

(6) The results of any test, experiment, or other scientific study from which you reasonably anticipate you will attempt to introduce into evidence in a trial of this cause.

(7) The results of any and all investigations of the alleged incidents (noise pollution) made the basis of this Complaint (other than those privileged by law). If you are claiming privilege as to any investigation, based on its allegedly being done in anticipation of litigation, describe specifically what you are relying on to establish that you had reason to believe the litigation would ensue, including what overt acts or statements were made by Complainants or someone acting on behalf of Complainants.

(8) Copies of any complaints, inquiries, police reports, or any other type of documentation presented to a local (municipal or county), state and/or federal authority relative to the noise pollution complained of including but not limited to minutes of zoning board, and/or municipality village board meetings; correspondence with municipal (village, county, state and/or federal authorities relating to the alleged noise pollution.

(9) Copies of any complaints, inquiries, police reports, or any other type of documentation presented to a local (municipal or county), state and/or federal authority relative to the noise pollution complained of including but not limited to minutes of zoning board, and/or municipality village board meetings; correspondence with municipal (village, county, state and/or federal authorities relating to the zoning application for the Respondents', property.

(10) Copies of any complaints, inquiries, police reports, or any other type of documentation presented to a local (municipal or county), state and/or federal authority relative to the noise pollution complained of including but not limited to minutes of zoning board, and/or municipality village board meetings; correspondence with municipal (village, county, state and/or federal authorities relating to the noise pollution processed against property neighboring the Respondent's property and/or in the vicinity of Respondents' property.

(11) Any documentation supporting the Complainants' allegations that the noise pollution complained emanated from the Respondent's property rather than property neighboring the Respondents' property and/or in the vicinity of Respondents' property.

(12) Any and all documents pertaining to any inspection of the premises involved in this complaint, within 6 months before or after the time frames involved in this complaint.


(13) Any and all documents otherwise supporting and/or refuting the Complainants allegations.

(14) Any and all documents that the Complainants intend to introduce during the trial on the Complaint.

(15) The reports of any opinions witness identified under Illinois Supreme Court Rule 213.

(16) Copies of all documents referred to or which related to the Complainants' Answers to Interrogatories.

The word "party" shall, if an individual, also include members of his immediate family, and shall, if a corporation, include, directors, foremen and managing agents.

By:   
Attorneys for Respondents

Paul J. Oleksak  
Attorney At Law  
100 Atkinson Road, Suite 110F  
Grayslake, Illinois 60030  
(847) 543-9000  
Attorney Number

Bruce A. Slivnick  
Attorney At Law  
707 Lake Cook Road, Suite 316  
Deerfield, Illinois 60015  
(847) 714-0503  
Attorney Number 6181410

05/18/08

**BEFORE THE ILLINOIS  
POLLUTION CONTROL BOARD**

**RECEIVED  
CLERK'S OFFICE**

DEC 01 2008

STATE OF ILLINOIS  
Pollution Control Board

**IN THE MATTER OF:** )  
)  
**JOSEPH & VICTORIA MORRISSEY,** )  
)  
                                  **Complainants,** )  
)  
                                  **v.** )                   **PCB 09-10**  
)  
**GEOFF PAHIOS and ALPINE** )  
**AUTOMOTIVE,** )  
)  
                                  **Respondents.** )

**NOTICE TO PRODUCE**

To: Joseph & Victoria Morrissey  
32 S. Chestnut Court  
Hawthorn Woods, Illinois 60047

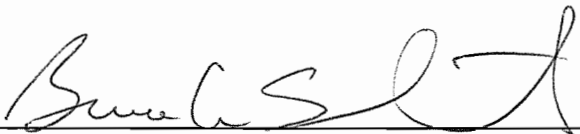
Pursuant to Supreme Court Rules 213(e), 220, 237 and Sec. 2-1102 of the Illinois Code of Civil Procedure, you are hereby notified to produce at the commencement of either trial and/or evidentiary hearing of this case, prior to the commencement of said evidentiary hearing:

1. The full name and complete last known address of every witness to the occurrences complained of.
2. The full name and complete last known address of all other persons who have knowledge of the matters pleaded or of relevant facts, including the special field of each expert.
3. All statements of any party to some person or entity other than his attorney or insurer, including that of the Complainants and/or Respondents, which is in your possession or control, directly or indirectly.
4. The statement of any other witness.
5. All photographs, slides or motion pictures, audio and/or video tape taken of the alleged occurrences or physical objects involved, or the scene of the alleged occurrence.
6. All data as to the physical or mental condition of the plaintiff prior to or subsequent to the alleged occurrences, including, inter alia, to medical reports documenting such injuries either caused by or exasperated by the noise pollution involved.

7. A list giving the names, addresses and specialties of all persons Complainants will call to testify at any evidentiary hearing.

9. Complainants, Joseph Morrissey and Victoria Morrissey.

The word "party" shall, if an individual, also include members of his immediate family, and shall, if a corporation, include, directors, foremen and managing agents.

By:   
Attorneys for Respondents

Paul J. Oleksak  
Attorney At Law  
100 Atkinson Road, Suite 110F  
Grayslake, Illinois 60030  
(847) 543-9000  
Attorney Number

Bruce A. Slivnick  
Attorney At Law  
707 Lake Cook Road, Suite 316  
Deerfield, Illinois 60015  
(847) 714-0503  
Attorney Number 6181410

**BEFORE THE ILLINOIS  
POLLUTION CONTROL BOARD**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>JOSEPH &amp; VICTORIA MORRISSEY,</b>	)	
	)	
<b>Complainants,</b>	)	
	)	
v.	)	<b>PCB 09-10</b>
	)	
<b>GEOFF PAHIOS and ALPINE</b>	)	
<b>AUTOMOTIVE,</b>	)	
	)	
<b>Respondents.</b>	)	

**INTERROGATORIES**

To: Joseph & Victoria Morrissey  
32 S. Chestnut Court  
Hawthorn Woods, Illinois 60047

Respondents, GEOFF PAHIOS and ALPINE AUTOMOTIVE, INC., by and through their attorneys, Paul J. Oleksak and Bruce A. Slivnick serve the following interrogatories on the Complainants, JOSEPH MORRISSEY and VICTORIA MORRISSEY, to be answered under oath within 28 days:

1. State the name of the Complainants answering and, if different, give the full name and address of the individual signing the answers, and the capacity in which said person is signing the answers.

**ANSWER:**

2. State the full name and address of each person who witnessed or claims to have witnessed the occurrences (alleged noise pollution) alleged in the Complaint.

**ANSWER:**

3. State the full name and address of each person not named (in Answer to Interrogatory Number 2) above who was present or claims to have knowledge of the noise pollution complained of in the Complainants complaint.



**ANSWER:**

4. The dates and times of any and/or all occurrences of the noise pollution complained of in the Complainants' Complaint.

**ANSWER:**

6. Were any photographs, slides or motion pictures, video and/or audio recordings taken of the scene of the occurrence or of the persons involved? If so, state the date or dates and times on which such photographs were taken, the subjects thereof, who took said photographs and who has custody of them at the present time.

**ANSWER:**

7. Do you or your attorneys have any statements from any witness or party other than yourself or, if a corporation, of anyone other than an officer, director, managing agent or foreman?

If so, state:

- (a) The name and address of each such party or witness;
- (b) The date of each of said statements;
- (c) Whether such statement is typewritten, handwritten or oral, or by court reporter, and state the name and address of the person who typewrote, hand-wrote or was the court reporter.
- (d) The name, address, employer and occupation of the person who took the statement and in whose possession the statement is as of this date.

**ANSWER:**

8. List the names and addresses of all other persons (other than yourself and person heretofore listed or specifically excluded) who have knowledge or information relating to facts of said occurrences of noise pollution and/or of the injuries and damages following therefrom.

**ANSWER:**

9. State all facts and/or which support your allegations in Paragraph 5 of the Complainants' Complaint for the violations of the above stated laws:

- (a) 415 ILCS 5/24
- (b) 35 Ill. Admin Code Section 900.102
- (c) 35 Ill. Admin Code Section 901.102a
- (d) 35 Ill. Admin Code Section 901.102b
- (e) 35 Ill. Admin Code Section 901.104; and
- (f) Any other statute or administrative regulation you allege to have been violated.

**ANSWER:**

10. State all facts and/or which support your allegations in Paragraph 6 of the Complainants' Complaint for the following being a nuisance:

- (a) 24 Hour Towing;
- (b) Truck/Auto Repair;
- (c) Ventilation Fan;
- (d) Engine Noise; and/or
- (e) Any other allegations that Respondent's activities constitute a nuisance.

**ANSWER:**

10. State all facts and/or which support your allegations in Paragraph 6 of the Complainants' Complaint for the following being a violation of existing noise laws:

- (a) 24 Hour Towing;
- (b) Truck/Auto Repair;
- (c) Ventilation Fan;
- (d) Engine Noise; and/or
- (e) Any other allegations that Respondent's activities constitute a violation of existing noise laws.

**ANSWER:**

11. State all facts and/or which support your allegations in Paragraph 7 of the Complainants' Complaint relative to the duration and frequency of the alleged pollution.

- (a) 24 Hour Towing;
- (b) Truck/Auto Repair;
- (c) Ventilation Fan;
- (d) Engine Noise; and/or
- (e) Any other allegations that Respondent's activities constitute a violation of existing noise laws.

12. State all facts and/or which support your allegations in Paragraph 8 of the Complainants' Complaint relative to the effects that you believe that the alleged pollution has had on the following:

- (a) Loss of Sleep and/or awaken at early hours(stating dates and times)
- (b) Dates and Times for irritating and infuriating noise;

- (c) Drop in Property Value;
- (d) Emotional Health and Well being (including any medical reports)
- (e) Limitation on use of outdoor property (including specific dates and times); and/or
- (e) Any other allegations that of bad effects believed to be caused by the alleged pollution.

13. Have you or anyone on your behalf (including any expert) conducted any test, experiment, and/or scientific study from which, or the results of which, you will attempt to introduce into evidence in a trial of this cause? If so, state:

- (a) The name of the person and/or entity conducting said test(s)
- (b) The date and times of each said test(s)
- (c) The results of each of said test(s)
- (d) The name address and telephone number of all individuals and/or entities having copies of the results of said tests.

**ANSWER:**

14. Please describe fully any and all investigations of the incidents (noise pollution) made the basis of this Complaint (other than those privileged by law) including who conducted the investigation, when the investigation was conducted and the results, findings or conclusions of said investigation. If you are claiming privilege as to any investigation, based on its allegedly being done in anticipation of litigation, describe specifically what you are relying on to establish that you had reason to believe the litigation would ensue, including what overt acts or statements were made by plaintiff or someone acting on behalf of plaintiff.

**ANSWER:**

15. With respect to any complaints, inquiries, police reports, or any other type of inquiry presented to a local (municipal or county), state and/or federal authority relative to the noise pollution complained of including but not limited to Village zoning board, and/or municipality village board; correspondence with municipal (village, county, state and/or federal authorities relating to the alleged noise pollution with respect to each such inquiry state as follows:

(a) The date(s) of said complaints, inquiries, police reports or other referral to the governmental entity;

(b) The names, addresses and telephone numbers of the specific person(s) and that you dealt with respect to said inquiry;

(c) The dates of any meetings with any officials with respect to said inquiry and the names, addresses and telephone numbers of person(s) present during said meeting;

(d) The names, addresses and telephone numbers of any persons that joined with the Complainants in making the inquiry;

(e) The results of said inquiry by the governmental entity and any recommendations made by said entity to the Complainants, the Respondents, and/or other persons joining in said inquiry.

**ANSWER:**

16. With respect to any complaints, inquiries, police reports, or any other type of inquiry presented to a local (municipal or county), state and/or federal authority relative to the noise pollution complained of including but not limited to Village zoning board, and/or municipality village board; correspondence with municipal (village, county, state and/or federal authorities relating to the zoning application made to the Village of Lake Zurich for the Respondents' property with respect to each such inquiry state as follows:

(a) The date(s) of said complaints, inquiries, police reports or other referral to the governmental entity;

(b) The names, addresses and telephone numbers of the specific person(s) and that you dealt with respect to said inquiry;

(c) The dates of any meetings with any officials with respect to said inquiry and the names, addresses and telephone numbers of person(s) present during said meeting;

(d) The names, addresses and telephone numbers of any persons that joined with the Complainants in making the inquiry;

(e) The results of said inquiry by the governmental entity and any recommendations made by said entity to the Complainants, the Respondents, and/or other persons joining in said inquiry.

**ANSWER:**

17. With respect to any complaints, inquiries, police reports, or any other type of inquiry presented to a local (municipal or county), state and/or federal authority relative to the noise pollution complained of including but not limited to Village zoning board, and/or municipality village board; correspondence with municipal (village, county, state and/or federal authorities relating to alleged noise pollution emanating from property neighboring the Respondents' property and/or in the vicinity of Respondents' property with respect to each such inquiry state as follows:

(a) The date(s) of said complaints, inquiries, police reports or other referral to the governmental entity;

(b) The names, addresses and telephone numbers of the specific person(s) and that you dealt with respect to said inquiry;

(c) The dates of any meetings with any officials with respect to said inquiry and the names, addresses and telephone numbers of person(s) present during said meeting;

(d) The names, addresses and telephone numbers of any persons that joined with the Complainants in making the inquiry;

(e) The results of said inquiry by the governmental entity and any recommendations made by said entity to the Complainants, the Respondents, and/or other persons joining in said inquiry.

18. If Complainant(s), or any agent has given a statement to anyone other than defendant's attorney with respect to either the incidents in question and/or the damages complained of by the Complainants, please state the name, address, and telephone number of the person to whom such statement was given, the date on which the statement was given, the substance of such statement and whether such statement was a written or oral statement.

**ANSWER:**

19. Have you (or anyone acting on your behalf) had any conversations with any person at any time or overhear any statements made by any person at any time with regard to the manner in which the incidents complained of occurred? If so, please state the following:

- (a) Date(s) of such conversations and/or statements;
- (b) Place of such conversations and/or statements;
- (c) Names, addresses and telephone numbers of all persons present for the conversations and/or statements;
- (d) Matters and/or things stated and/or discussed by said persons
- (e) Whether the conversation was oral and if so, was it recorded or transcribed or was the statement in writing; and/or
- (f) The name, address and telephone number of each person that has possession of the statement or recording if it was written, recorded and/or transcribed.

**ANSWER:**

20. State in detail each factual observation or finding and each conclusion drawn based upon defendant's inspection of the area, measurement of noise level, and/or other observations relating to the source of any alleged noise pollution.

**ANSWER:**

21. State the name, address and occupation of each individual who has inspected, measured the noise levels or tested the area in question relative to noise or who has performed any simulation studies, experiments, or other tests of any kind relevant to this Complaint and describe each such inspection, measurement, test, simulation, and/or study.


**ANSWER:**



22. Pursuant to the Illinois Supreme Court's revised Rule 213, furnish the identities and addresses of witnesses who will testify at trial, and provide the following information:

- a) Lay Witnesses. Please identify the subjects on which the witness will testify;
- b) Independent Expert Witnesses. Please identify the subjects on which the witness will testify and the opinions you expect to elicit.
- c) Controlled Expert Witnesses. Please identify the following:
  - (i) the subject matter on which the witness will testify;
  - (ii) the conclusions and opinions of the witness and bases therefor;
  - (iii) the qualifications of the witness; and
  - (iv) any reports prepared by the witness about the case.

**ANSWER:**

By:   
Attorneys for Respondents

Paul J. Oleksak  
Attorney At Law  
100 Atkinson Road, Suite 110F  
Grayslake, Illinois 60030  
(847) 543-9000  
Attorney Number

Bruce A. Slivnick  
Attorney At Law  
707 Lake Cook Road, Suite 316  
Deerfield, Illinois 60015  
(847) 714-0503  
Attorney Number 6181410