

ILLINOIS POLLUTION CONTROL BOARD

KYLE NASH,)
Complainant,)
v.)
LUIS JIMENEZ,)
Respondent.)

PCB 07-97

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STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

- TO: (1) James M. Knox, 15 Highland Place, Oxford, MS 38655
(2) Bradley P. Halloran, Hearing Officer, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601

On April 22, 2011, the undersigned caused to be filed with the Illinois Pollution Control Board, Chicago, Illinois, Respondent's Request to Admit pursuant to Supreme Court Rule 216, and Notice of Discovery Deposition, copies of which are attached hereto and herewith served upon you.

NAME Kyle Nash
ADDRESS 1630 W. 33rd Place, Chicago, IL 60608
TELEPHONE 773/744-1954

Copy Received _____ 19 __, at _____ .m.,

PROOF OF SERVICE

Under penalties as provided by law pursuant to Sec. 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that a copy of this Notice of Filing was mailed to each of the above persons of record at the addresses indicated, postage pre-paid, on May 9, 2011, before 5:00 p.m.

Witnessed and certified to this 9th day of May, 2011.



PRO SE COMPLAINANT

ILLINOIS POLLUTION CONTROL BOARD

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)	
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)	
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RESPONSE TO RULE 216 REQUEST TO ADMIT

TO: James M. Knox, 15 Highland Place, Oxford, MS 38655

NOW COMES the Complainant, KYLE NASH, Pro Se, and, pursuant to RULE 216 REQUEST TO ADMIT, hereby submits in writing, signed and sworn to as provided by rule, RESPONSE to said Request.

1. Admitted.
2. Admitted.
3. If this is stated exactly as in the amended pleading, then it is admitted.
4. See (a) through (g) below:
 - (a) That the polluting referred to in my pleadings refers to wind chimes is admitted.
 - (b) That wind chimes referred to in my pleadings were "formerly" located is denied. At times, I still hear wind chimes.
 - (c) That wind chimes referred to in my pleadings were located on the respondent's residential two-flat property, adjacent to my residence, is admitted.
 - (d) That the polluting referred to in my pleadings is ^{supported by} based upon my own observations is admitted.
 - (e) That the polluting referred to in my pleadings is based upon recordings that I obtained in the "summer of 2007," is denied. The polluting referred to in my pleadings is based upon what I heard 24 hours a day, seven days a week, 365 days of the year, since approximately mid-2005.
 - (f) That polluting referred to in my pleadings is supported by recordings that I made is admitted.
 - (g) That the recordings were made in the "summer of 2007"... If this is stated exactly as in my pleadings, then it is admitted.
5. I lack sufficient knowledge and information to admit or deny. I can only say that, at some point in time (now in May of 2011, I can't specifically recall when), I no longer observed wind chimes hanging in the location on the front porch of 1628 W. 33rd Place where they had been hanging at the time the original complaint was filed.

6. I lack sufficient knowledge and information to admit or deny. When the respondent moved into 1628 W 33rd place, he immediately erected an approximately 6 foot high solid wooden fence that, when connected to his garage, surrounded 7/8 of his property. The remaining 1/8, he surrounded by an approximately 6 foot high wrought iron fence, installed at approximately the same time. Both fences have approximately 6 foot high access gates that are locked.

7. If this is stated exactly as in my pleadings, then it is admitted.

8. I lack sufficient knowledge and information to admit or deny. I can only say that, at some point in time (now 2011, I can't specifically recall when), I no longer observed wind chimes hanging in the location on the front porch of 1628 W. 33rd Place where they had been hanging at the time the original complaint was filed.

9. I lack sufficient knowledge and information to admit or deny. I can only say that, at some point in time (now 2011, I can't specifically recall when), I no longer observed wind chimes hanging in the location on the front porch of 1628 W. 33rd Place where they had been hanging at the time the original complaint was filed. And, at times, I still hear wind chimes.

10. Denied. At times, I still hear wind chimes.

11. See (a) through (c) below:

(a) Attached exhibits A, B and C are copies of photographs is admitted.

(b) Exhibit's A and B appear to be pictures taken at some point in time, of the front porch of the property at 1628 W. 33rd Place, is admitted.

(c) I lack sufficient knowledge and information to admit or deny Exhibit C. When the respondent moved into 1628 W. 33rd place, he immediately erected an approximately 6 foot high solid wood fence that, when connected to his garage, surrounded 7/8 of his property. The remaining 1/8, is surrounded by an approximately 6 foot high wrought iron fence, installed at approximately the same time. Both fences have approximately 6 foot high access gates that are locked.

12. Denied. At times, I still hear wind chimes.



PRO SE COMPLAINANT

1630 W. 33rd Place
Chicago, IL 60608
773.744.1954