

ILLINOIS POLLUTION CONTROL BOARD

DALE L. STANHIBEL,	)
	)
Complainant,	)
	)
Vs.	)
	)
TOM HALAT d/b/a TOM'S	) PCB 07-17
VEGETABLE MARKET	) (Citizens Enforcement-Air, Noise)
	)
Respondent.	)
	)
	)
	)

**NOTICE OF FILING**

To: Mr. Dale L. Stanhibel  
10328 Fleetwood Street  
Huntley, Illinois 60142

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

Please take notice, that I have on March 13, 2007, filed with the Office of the Clerk of the Pollution Control Board the attached **Interrogatories to Complainant, Request to Admit the Genuineness of Documents (with corresponding Exhibits), Request to Produce, and Request to Admit**, copies of which are herewith served upon you.

/s/

\_\_\_\_\_  
Steven J. Greeley, Jr.

**CERTIFICATE OF SERVICE**

I, Steven J. Greeley, an attorney, on oath state that I mailed a copy of the above documents to the above-named person(s) at the above-designated address by depositing same in the U.S. Mail in Marengo, Illinois, on or before the hour of 5:00 p.m., on March 13, 2007, with proper postage prepaid.

/s/

\_\_\_\_\_  
Steven J. Greeley, Jr.

FRANKS, GERKIN & McKENNA P.C.  
Attorneys for Respondent  
19333 E. Grant Hwy., P.O. BOX 5  
MARENGO, IL 60152  
Telephone (815) 923-2107  
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**INTERROGATORIES TO COMPLAINANT**

NOW COMES, the Respondent, Tom Halat and Tom's Farm Market and Greenhouse, Inc., by and through it's attorneys, Franks, Gerkin & McKenna, P.C., and propounds the following Interrogatories to the Plaintiff, Dale L. Stanhibel:

1. Please identify all dates in which you believe that you or any person had "headaches, nervous" due to the alleged use of the propane cannons identifying the exact time and location that the symptoms were realized, the name, address and phone number of the person who suffered those symptoms, any medical treatment administered to said person including any over the counter or prescription medications, any doctors visits related to the condition, including the name, address and phone number of the doctor, the date and time of the visit, the diagnoses and prescribed treatment for the condition.

**ANSWER:**

2. Please identify all instances in which any of the animals which you own were sedated, including the location, date and time that sedation was administered, the type of sedation used, the person, doctor or veterinarian, said sedation, include the name, address and phone number of said person, doctor, or veterinarian or any other person or persons who witnessed the sedation including their names, addresses and telephone numbers.

**ANSWER:**

3. Please identify the date of purchase of your property at 10328 Fleetwood Street, Huntley, Illinois 60142, including the date in which you began residence, the date and any dates in which you were not physically present at the above referenced property during August through October of 2005 and 2006.

**ANSWER:**

4. Please identify any individuals that you have discussed the issues surrounding your complaint with including the name, address and phone numbers of those individuals, the date or dates in which you spoke to those individuals, the content of the conversations with those individuals, whether the communications were written or oral, whether there is any documentation related to those conversations including the name, address and phone number of the person or persons who are in possession of said documentation.

**ANSWER:**

5. Please identify any witnesses which you intend to call at hearing in this matter, including the name, company name, position within the company, address and phone number of any of the individuals, the testimony which you believe they will provide. Whether the witness will be a lay witness, an independent expert witness or a controlled expert witness as defined by Illinois Supreme Court Rule 213 and provide all information as required by Illinois Supreme Court Rule 213 with regard to any witnesses.

**ANSWER:**

6. Please identify all evidence which you intend to introduce at hearing including the nature of the evidence, the person or persons who are in possession of said evidence, including the name, address and telephone number of said persons.

**ANSWER:**

7. Do you have any reports, notes, documents, or any other items from any doctor, veterinarian, scientist, engineer or any other professional related to your allegations in the formal complaint in this matter? If so, state the name, address and person who provided or who may be in possession of the documentation, the nature of the documentation and the contents of the documentation.

**ANSWER:**

8. Do you have any audio, video, photographs or any other physical evidence in any form which depicts, shows or otherwise details the conditions as alleged in your formal complaint? If so, state the name, address and phone number of any person or persons in possession of said evidence, the nature of the evidence, specifically what the evidence depicts, the date or dates in which the evidence was created, any date or dates that the evidence was modified or changed in any way, shape or form including any electronically stored evidence.

**ANSWER:**

9. Please identify any government officials with which you had a conversation related to the allegations made in your formal complaint, include the name, entity, position, address and telephone number of each individual you spoke with or had communication with, the nature of the communication, whether the communication was written or oral, the content of said communication, the date or dates and times in which said communication took place and any results or any findings by any government official.

**ANSWER:**

10. Please identify all medical treatment received by you or any other person in any period of time which may relate to the conditions which you have identified in your formal Complaint "headache-nervous" including the date or dates in which you or any person had any of these conditions, the date or dates which you or any person received medical treatment for that type of symptom, the name, address and phone number of each treating physician which you or any person met with including the test or tests completed by those physicians, the diagnoses identified by these physicians, whether there are any notes, records, medical records or any documentation related to the test or tests or diagnoses, the name, address and location of any person in possession of said above mentioned documents. Please also identify the content of any

conversations you or any other person had with the treating physician or any other person related to the above referenced condition.

**ANSWER:**

11. Please identify all information related to the Beagle that is referenced in your formal Complaint including the owner or owners and the name, address and phone number of any of the owners of said Beagle, any paperwork including American Kennel Club or any other certificates of breeding, any purchase receipts of other documentation related to the purchase of said Beagle, any veterinary visits for the Beagle including the name, address and phone number of any veterinarian or other person with whom you sought treatment for the Beagle, the date or dates of that treatment, any tests performed on said Beagle, the diagnoses and results of any tests, any medications provided to said Beagle, the diet in which said Beagle is provided. Also, please identify why you feel the Beagle had to be sedated and if said sedation was based on any noise made by the Beagle; state all times in which the Beagle has barked or made any other kind of noise at any time including times when propane cannons were not being fired, including the cause of said noise.

**ANSWER:**

Respectfully Submitted,



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Steven J. Greeley, Jr.

FRANKS, GERKIN & McKENNA, P.C.  
Attorneys for Respondent  
19333 E. Grant Hwy, P.O. BOX 5  
Marengo, Illinois 60152  
Telephone: (815)-923-2107  
Fax: (815)-923-2107

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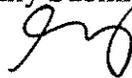
**REQUEST TO ADMIT THE GENUINENESS OF DOCUMENTS**

*Failure to respond to the following Request to Admit the Genuineness of Documents within Twenty-Eight days (28) may have severe consequences. Failure to respond to the following requests will result in all of the facts requested being deemed admitted as true for this proceedings. If you should have any questions in regard to this procedure, you should contact the hearing officer assigned to this proceeding or an attorney.*

NOW COMES, the Respondent, Tom Halat and Tom's Farm Market and Greenhouse, Inc., by and through it's attorneys, Franks, Gerkin & McKenna, P.C., and for its Request to Admit the Genuineness of documents hereby requests the admission of the following documents within Twenty-Eight days (28):

1. Nuisance Animal Removal Permit 5-25, attached hereto and incorporated herein by reference as Exhibit A.
2. Nuisance Animal Removal Permit 06-29, attached hereto and incorporated herein by reference as Exhibit B.

Respectfully Submitted,



\_\_\_\_\_  
Steven J. Greeley, Jr.

FRANKS, GERKIN & MCKENNA, P.C.

Attorneys for Respondent  
19333 E. Grant Hwy, P.O. BOX 5  
Marengo, Illinois 60152  
Telephone: (815)-923-2107  
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Illinois  
Department of  
Natural Resources

# NUISANCE ANIMAL REMOVAL PERMIT

Illinois Conservation Police

Name TOM HALAT Street 10214 ALGENQUIN RD. 60142 PERMIT NO 5-25  
 Area: Township \_\_\_\_\_ Section \_\_\_\_\_ City HUNTLEY, IL Phone 847-669-3721  
 Damage: Type SWEET CORN CROP County McHENRY Acres \_\_\_\_\_  
 Species Causing Damage RED WINGED BLACKBIRDS  
 Method of Removal BIRD SHOT, AVIARIC, DETERRENT DEVICES Method of Disposition BURY ON SITE

The above person(s) is/are hereby granted a 30 day permit under section 5/2.37 of the Illinois Wildlife Code to remove nuisance RED WINGED BLACKBIRDS causing property damage. This permit is valid from 8/4/05 to 9/4/05 and only on the lands described above, subject to the provisions listed on this permit.

PERSON ISSUING PERMIT:  
Signed Stan A. Cislerence Title DWB# 9 Date 8/4/05

TO BE FILLED OUT BY PROPERTY OWNER: A total of \_\_\_\_\_ animals as described above were destroyed and disposition was by \_\_\_\_\_ (method).

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

### PERMIT PROVISIONS

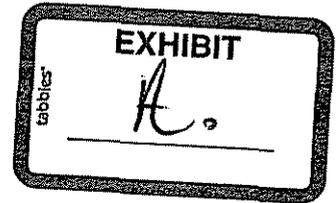
1. Control methods may be used only on the property described on the permit.
2. Removal shall be by the method stated on the permit. No poison of any kind will be used.
3. No parts or pelts of the animals may be used, sold or utilized in any manner.
4. No other wildlife may be taken or harmed in any manner.
5. You are required to submit a record of the animals destroyed and their disposition within ten (10) days of expiration date of this permit.

DISTRIBUTION: White - Permittee  
 Canary - Region Office  
 Pink - Conservation Police, Springfield Office  
 Goldenrod - Division of Wildlife Resources, Springfield Office

IL 422-0080 (1/00)

The Illinois Department of Natural Resources receives Federal assistance and therefore must comply with the federal anti-discrimination laws in compliance with the Illinois Human Rights Act, the Illinois Constitution, Title VI of the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973 as amended, and the U.S. Constitution. The Illinois Department of Natural Resources does not discriminate on the basis of race, color, sex, national origin, age, or disability. If you believe you have been discriminated against in any program, activity, or facility please contact the Equal Employment Opportunity Officer, Department of Natural Resources, 524 South Second Street, Springfield, Illinois 62701-1787 217/785-0067. Department of Natural Resources information is available to the hearing impaired by calling DNR's Telecommunications Device for the Deaf: 217/782-9175. The Ameritech Relay Number is 800/526-0844.

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Equal Opportunity Employer





Illinois Department of Natural Resources

NUISANCE ANIMAL REMOVAL PERMIT

Illinois Conservation Police

Name TOM MOUNT Street 10214 Alton Road City MONTICELLO Phone 397-629-3921
Area: Township Section County MONTICELLO Acres
Damage: Type CORN CROP Amount
Species Causing Damage RED WINE BLACKBERRIES
Method of Removal SCARING BEAKS - PROPANE Method of Disposition

The above person(s) is/are hereby granted a 30 day permit under section 5/2.37 of the Illinois Wildlife Code to remove nuisance ANIMALS causing property damage. This permit is valid from 2/13/06 to 2/13/06 and only on the lands described above, subject to the provisions listed on this permit.

PERSON ISSUING PERMIT: Signed Max G. Johnson Title Ranger Date 2/13/06

TO BE FILLED OUT BY PROPERTY OWNER: A total of animals as described above were destroyed and disposition was by (method).

Signature of Owner Date

PERMIT PROVISIONS

- 1. Control methods may be used only on the property described on the permit.
2. Removal shall be by the method stated on the permit. No poison of any kind will be used.
3. No parts or pelts of the animals may be used, sold or utilized in any manner.
4. No other wildlife may be taken or harmed in any manner.
5. You are required to submit a record of the animals destroyed and their disposition within ten (10) days of expiration date of this permit

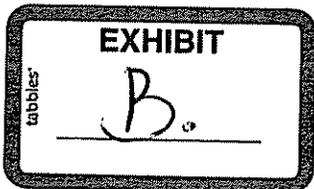
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**REQUEST TO PRODUCE**

NOW COMES, the Respondent, Tom Halat and Tom's Farm Market and Greenhouse, Inc., by and through it's attorneys, Franks, Gerkin & McKenna, P.C., and respectfully requests that the Complainant, Dale L. Stanhible, produce within in twenty-eight (28) days at the offices of FRANKS, GERKIN & McKENNA, P.C., for inspection and copying the following:

1. Any documents related to question number one of the Interrogatories.
2. Any documents related to question number two of the Interrogatories.
3. Any documents related to question number three of the Interrogatories.
4. Any documents related to question number four of the Interrogatories.
5. Any documents related to question number five of the Interrogatories.
6. Any documents related to question number six of the Interrogatories.
7. Any documents related to question number seven of the Interrogatories.
8. Any documents related to question number eight of the Interrogatories.
9. Any documents related to question number nine of the Interrogatories.

Respectfully Submitted,



\_\_\_\_\_  
Steven J. Greeley, Jr.

FRANKS, GERKIN & McKENNA, P.C.  
Attorneys for Respondent  
19333 E. Grant Hwy, P.O. BOX 5  
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**REQUEST TO ADMIT**

*Failure to respond to the following Request to Admit within Twenty-Eight days (28) may have severe consequences. Failure to respond to the following requests will result in all of the facts requested being deemed admitted as true for this proceedings. If you should have any questions in regard to this procedure, you should contact the hearing officer assigned to this proceeding or an attorney.*

NOW COMES, the Respondent, Tom Halat and Tom's Farm Market and Greenhouse, Inc., by and through it's attorneys, Franks, Gerkin & McKenna, P.C., and hereby requests the admission or denial of the following statements within Twenty-Eight days (28):

1. The firing of the propane cannons from August to October of 2005 and 2006 was only conducted on the property owned by Tom's Farm Market and Greenhouse, Inc., from 9:30 a.m. to 5:30 p.m.
2. The firing of the propane cannons did not have any bad effects on human health, plant or animal life, on the environment, on the enjoyment of life or property or on any lawful business or activity.
3. The propane cannon firing as alleged in your formal Complaint did not cause you or any person to have a headache or to cause you or any person to be nervous.
4. No animal owned by you or any person was ever sedated in any way, shape or form, based on the conduct of the Respondents.

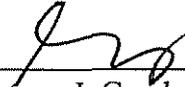
5. Propane cannons were not used in Tom's far South lot at 10214 Algonquin Road, Huntley, Illinois 60142.

6. Tom's Farm Market and Greenhouse, Inc., has utilized propane cannons since previous to your purchase of your property adjacent to the property in question.

7. Roughly two hundred other residents border the property in question owned by the Respondents.

8. No other individuals have made complaints related to the propane cannons used by Tom's Farm Market and Greenhouse, Inc.

Respectfully Submitted,

  
\_\_\_\_\_  
Steven J. Greeley, Jr.

FRANKS, GERKIN & McKENNA, P.C.

Attorneys for Respondent

19333 E. Grant Hwy, P.O. BOX 5

Marengo, Illinois 60152

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Fax: (815)-923-2107

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