

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
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Please take notice, that I have on April 23, 2007, filed with the Office of the Clerk of the Pollution Control Board the attached **Motion for Summary Judgment (with corresponding exhibits)**, a copy of which is 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 April 23, 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

ILLINOIS POLLUTION CONTROL BOARD

DALE L. STANHIBEL,)
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 TOM HALAT d/b/a TOM'S) PCB 07-17
 VEGETABLE MARKET) (Citizens Enforcement-Air, Noise)
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MOTION FOR SUMMARY JUDGMENT

NOW COMES, the Respondent, Tom Halat D/B/A Tom's Farm Market and Greenhouses, Inc., by and through it's attorneys, Franks, Gerkin & McKenna, P.C., and for his Motion for Summary Judgment pursuant to 735 ILCS 5/2-1005 as allowed by 35 Illinois Administrative Code Section 101.500(a) and 35 Illinois Administrative Code Section 101.516 states as follows:

1. The Complainant filed the instant action on September 18, 2006 alleging violation of 415 ILCS 5/24 and 35 Illinois Administrative Code Section 900.102 which states:

No person shall omit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity so as to violate any regulation or standard adopted by the Board under this Act, 415 ILCS 5/24.

No person shall cause or allow the emission of sound beyond the boundaries of his property, as properly defined in Section 25 of the Illinois Environmental Protection Act, so as to cause noise pollution in Illinois, or so as to violate any provision of this chapter, 35 Ill.Adm.Code 900.102.

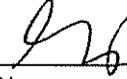
2. Paragraphs six and eight of Complainant's Complaint alleges that "(NOISE-AIR) AIR-THE RELEASE OF PROPANE IN THE AIR "NOISE" THE FIRING OFF OF 4 PROPANE CANNONS 9:30 A.M TO 5:30 P.M. IN TOM HALAT'S SOUTH LOT 10217 ALGONQUIN ROAD, HUNTLEY, ILLINOIS 60142 AND HEADACHE-NERVOUS = MY FIVE YEAR OLD BEAGLE HAS TO BE SEDATED, I CAN'T ENJOY MY OWN BACK YARD OR PATIO THE LAST TWO YEARS-THE NOISE AND LOUD LOUD POPPING SOUND".
3. The Respondent subsequently filed a Motion to Dismiss or in the Alternative a Motion for Judgment on the Pleadings which was denied and the Respondent subsequently filed it's Answer and Affirmative Defenses and issued and served the Complainant with Interrogatories, Request to Admit the Genuineness of Documents (with corresponding Exhibits), Request to Produce and Request to Admit on March 13, 2007 by regular mail a copy of which is attached hereto and incorporated by reference as Exhibit A issued in accordance with 35 Illinois Administrative Code Section 101.618(c), (d), which requires the Complainant to respond to each request for admission within twenty-eight days of the service of the Request to Admit.
4. In addition, the required statement "Failure to respond to the following Request to Admit within twenty-eight days may have severe consequences. Failure to respond to the following requests will result in all facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure you should contact the Hearing Officer assigned to this proceeding or an Attorney." was inserted in the Request to Admit as required by 35 Illinois Administrative Code Section 101.168(c).
5. The Request to Admit, which was sent on March 13, 2007 is presumed served upon the Complainant on March 19, 2007 as the fourth day after the date it was served is Saturday, March 17, 2007, which required the computation of time to be extended until the next business day which is Monday March 19, 2007 as stated on 35 Illinois Administrative Code Section 101.300. Therefore, the Complainant is required to respond to the Request to Admit within twenty-eight days from March 19, 2007 which is April 16, 2007. No response to the Request to Admit has been received by the Attorney for the

Respondent. See Affidavit of Steven J. Greeley, Jr., attached herein and incorporated by reference as Exhibit B.

6. In addition, during the Hearing Officer telephone conference on April 5, 2007 at 1:00 p.m., Hearing Officer Halloran advised the Complainant that the Answers would be due on April 16, 2007 and advised the Complainant that the Complainant could mail those on April 16, 2007 to comply with 35 Illinois Administrative Code Section 101.616.
7. The Complainant provided the attorney for the Respondent Answers to Interrogatories on April 12, 2007 a copy of which is attached hereto and incorporated by reference as Exhibit C, however, no other discovery requests were answered or responded to including the Request to Produce, Request to Admit the Genuineness of Documents, and the Request to Admit. In addition, the Answers to Interrogatories provided by the Complainant do not sufficiently answer the questions as interposed and said answers were not completed under oath as required by 35 Illinois Administrative Code Section 101.620(b).
8. No just cause has been provided by the Complainant for his failure to comply with the discovery requests and rules and all paragraphs of the request to admit are required to be deemed admitted pursuant to 35 Illinois Administrative Code Section 101.618(f) and (i).
9. Said admissions completely negate the allegations contained in the Complaint regarding facts which allegedly violated 415 ILCS 5/24 and 35 Illinois Administrative Code Section 900.102.
10. Under 735 ILCS 5/2-1005 Summary Judgment is appropriate where the pleadings, depositions, and admissions on file, together with the affidavits show that there is no genuine issue as to material fact and that the moving party is entitled to a Judgment as a matter of law.

WHEREFORE, the Respondent, Tom Halat d/b/a Tom's Farm Market and Greenhouses, Inc., hereby request that Summary Judgment enter in his favor and against the Complainant and any further or other relief that the Board deems just and equitable.

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
Fax: (815)-923-2107

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ILLINOIS POLLUTION CONTROL BOARD

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NOTICE OF FILING

To: Mr. Dale L. Stanhibel	Mr. Bradley P. Halloran, Hearing Officer
10328 Fleetwood Street	Illinois Pollution Control Board
Huntley, Illinois 60142	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.

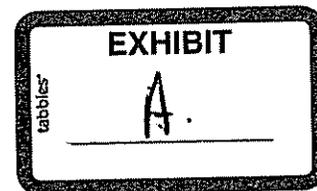
CERTIFICATE OF SERVICE

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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ILLINOIS POLLUTION CONTROL BOARD

March 9, 2007

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



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

ILLINOIS POLLUTION CONTROL BOARD

March 9, 2007

DALE L. STANHIBEL,)
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TOM HALAT d/b/a TOM'S) PCB 07-17
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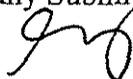
REQUEST TO ADMIT THE GENUINENESS OF DOCUMENTS

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
Fax: (815)-923-2107

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Illinois Department of Natural Resources

NUISANCE ANIMAL REMOVAL PERMIT

Illinois Conservation Police

Name TOM HALAT Street 10214 ALGONQUIN RD. City HUNTLEY, IL PERMIT NO. 5-25 Phone 847-669-3421
Area: Township Section County MCHENRY Acres
Damage: Type SWEET CORN CROP Amount
Species Causing Damage RED WINGED BLACKBIRDS

Method of Removal BIRDSHOT, AVIARIC, DETERENT 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 [Signature] Title DWR# 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.

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.

DISTRIBUTION:

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

IL 422-0080 (1/00)

Printed by Authority of the State of Illinois Equal Opportunity Employer





Illinois Department of Natural Resources

NUISANCE ANIMAL REMOVAL PERMIT

Illinois Conservation Police

Name TOM HOLT Street 10214 ALGONQUIN City MORTON PERMIT NO 06-29 Phone 347-669-3421
Area: Township Section County MCHENRY Acres
Damage: Type SANFERT CORN CRAP Amount
Species Causing Damage RED WING BLACKBIRDS

Method of Removal SCARING BEHINDS - 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 BLACKBIRDS causing property damage. This permit is valid from 9/13/06 to 10/13/06 and only on the lands described above, subject to the provisions listed on this permit.

PERSON ISSUING PERMIT: Signed Alan B. Erickson Title AGENT Date 9/13/06

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

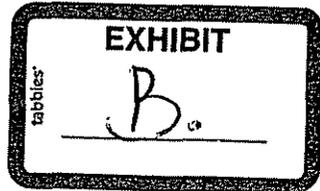
PERMIT PROVISIONS

- 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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Equal Opportunity Employer



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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
Marengo, Illinois 60152
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ILLINOIS POLLUTION CONTROL BOARD

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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.

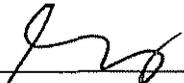
5. Propane cannons were not used in Tom's far South lot at 10214 Algonquin Road , Huntley, Illinois 60142.

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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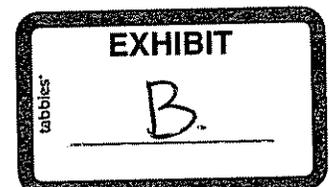
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AFFIDAVIT

I, Steven J. Greeley, Jr., on oath hereby state the following:

1. I am an attorney with the law office of Franks, Gerkin & McKenna, P.C., the attorney for the Respondent.
2. I was a participant in a telephone conference on April 5, 2007 at 1:00 p.m. with Hearing Officer Bradley Halloran and the Complainant, Dale L. Stanhibel.
3. Hearing Officer Halloran informed the Complainant that all of the discovery propounded upon him was due on April 16, 2007 and the Complainant acknowledged that fact.
4. Hearing Officer Halloran further informed the Complainant that all documents can be submitted in the mail no later than April 16, 2007 as 35 Illinois Administrative Code Section 101.616 identifies that service is complete if placed in the mailbox by April 16, 2007.
5. The only discovery documents received from the Complainant are the unsworn answers to the Interrogatories attached to the Motion for Summary Judgment as Exhibit D on April 13, 2007.



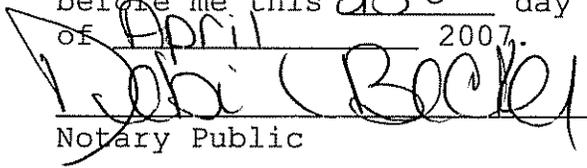
FURTHER AFFIANT SAYETH NOT

Respectfully Submitted,
Steven J. Greeley, Jr.



Steven J. Greeley, Jr.

SUBSCRIBED and SWORN to
before me this 23rd day
of April 2007.



Notary Public



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

ILLINOIS POLLUTION CONTROL BOARD

March 9, 2007

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INTERROGATORIES TO COMPLAINANT

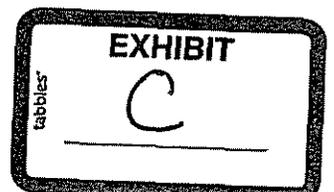
NOW COMES, the Respondent, Tom Halat and Tom's Farm Market and Greenhouse, Inc., by and through it's attorneys, Franks, Gerkin & McKenna, P.C., and propounds the following Interrogatories to the Plaintiff, Dale L. Stanhibel:

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: 9/22/06 THE CANNONS - SOUTH LOT
1330 HR'S

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: PLEASE SEE ATTACHMENT "A"
 BANFIELD DR TROTSKY
 162 S. GARY AVE
 BLOOMING DALE, IL 60108
 630-307-9595



COPY

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: PURCHASE 10/1/2003
TOOK RESIDENCE ON 10/1/2003 - 1900 HRS
PHYSICALLY NOT PRESENT ON 9/26/06 + 9/25/06

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: TONY MECCIA - 10348 FLEETWOOD
HUNTLEY IL 60142 897-961-6635
THE CONVERSATION WAS ABOUT THE
CANDY'S GOING OFF

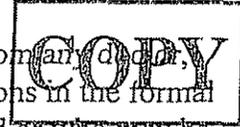
5. Please identify any witnesses which you intend to call at hearing in this matter, including the name, company name, position within the company, address and phone number of any of the individuals, the testimony which you believe they will provide. Whether the witness will be a lay witness, an independent 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: NONE AS OF THIS TIME

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: NONE AS OF THIS TIME

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: *NONE AT THIS TIME*

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: *NONE AT THIS TIME*

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: *PLEASE SEE ATTACHMENT "B"*

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.

person related
COPY

ANSWER: JUST OVER THE
COUNTER MED'S

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: PLEASE SEE ATTACHMENT 'C'

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
Fax: (815)-923-2107

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HUNTLEY, IL 60142
DIAZEPAM 10MG TABLET BY AVLAN
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20 11.69

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SCAN ID - 5400

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"B"

McHenry County

Sheriff's Police



EARL JONES
Deputy Sheriff
Report No. 06-19840

2200 N. Seminary Ave. Woodstock, IL 60098 815-338-2144

McHenry County

Sheriff's Police



T. JONES
Deputy Sheriff
Report No. 06-20447

2200 N. Seminary Ave Woodstock, IL 60098 815-338-2144

McHenry County

Sheriff's Police



Det Larson 1054
Deputy Sheriff
Report No. 06-20318

2200 N. Seminary Ave Woodstock, IL 60098 815-338-2144



THE AMERICAN KENNEL CLUB

5580 Centerview Drive Raleigh, North Carolina 27606-3390 · www.akc.org

11C11

October 23, 2001

Dale Stanhibel & Sandra J Stanhibel
736 CYPRESS LN
CAROL STREAM, IL 60188-9182

Dear Dale Stanhibel & Sandra J Stanhibel:

Congratulations on your new Beagle and welcome to the world of purebred dogs. AKC registration opens doors of opportunity and excitement for every purebred dog lover. Many dog owners enjoy the thrill of participating in AKC shows, trials, and activities throughout the country, and we invite you to consider participating in these activities with your new companion.

All of us need to be responsible dog owners, and AKC offers a wealth of information on companionship and training on the AKC web site at www.akc.org. Our site lists dog clubs both nationally and in your area should you wish additional information and training opportunities.

We are your canine information resource and offer a lifetime of customer service for you and your dog that is just a phone call away. Give us a call today at 919-233-9767 or e-mail us at info@akc.org

Sincerely,

Alfred L. Cheauré
President and Chief Executive Officer

Please separate below and keep for your records

AMERICAN KENNEL CLUB

NAME
SIR SNIFF OF CYPRESS LANE

NUMBER
HM972205/04

BREED
BEAGLE

SEX
MALE

COLOR
BLACK WHITE & TAN

DATE OF BIRTH
AUG 09 2001

SIRE
DOUGHTY'S DIGGER
HM588562/04 (06-97) AKC DNA #V66523

DAM
BLACKHAWK'S LITTLE SWEET PEA
HM686571/01 (06-99)

BREEDER
DONALD C PRICE & JEANNINE PRICE

CERTIFICATE ISSUED
OCT 23 2001

OWNER

DALE STANHIBEL & SANDRA J STANHIBEL
736 CYPRESS LN
CAROL STREAM, IL 60188-9182



If a date appears after the name and number of the sire and dam, it indicates the issue of the Stud Book Register in which the sire or dam is published

For Transfer Instructions, see back of Certificate.

This Certificate issued with the right to correct or revoke by the American Kennel Club.

11C11

69105

Date 10/4/01

ANIMAL WELFARE RELEASE STATEMENT

No. _____

Seller:
Business Name BLACKHAWK Beagles

Purchaser:
Name SANDRA STANHUBEL

Business Address 5033 W. OREGON TRAIL, MT. MORRIS, IL

Address 736 CYPRESS LN, CARLE STRAITZ, IL

Phone 615-734-4420

61854

Phone 630-293-7352

60188

Pet Shop	Dog Dealer	<input checked="" type="checkbox"/> Kennel	Cattery	Pound	Animal Shelter
----------	------------	--	---------	-------	----------------

BREED AND DESCRIPTION OF:

<input checked="" type="checkbox"/> Dog	Cat	Other: _____	8 wks	8 lbs
			Age	Approx. Wt.

IMMUNIZATIONS:

- DISTEMPER/HEPATITIS
- LEPTOSPIROSIS
- Other 1st puppy shot

Beagle MALE TRI-COLOR
 Breed If Purebred _____ Description _____

Date of Inoculation 9/19/01

Product Used BLACKHAWK VET SERVICE

It is Recommended That You Consult _____ own Veterinarian For Follow-Up Immunizations.

Internal Parasite Medication NEMEX 9, 18, 24 SEP 01 _____ Date

Suggested Diet PURINA Puppy Chow x 1 year _____ Date

Guarantee 48 hour health _____

Animal must be examined by a veterinarian of the owner's choice within 48 hours of purchase or the terms of the guarantee are not valid.
Terms of guarantee must be stated - if none, so state.

Purchaser to receive copy for his records and present it to his veterinarian at the time the animal is presented for examination.

Original To Purchaser

Duplicate Retained By Licensee For 12 months.

IMPORTANT NOTICE: This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Illinois Revised Statutes Chapter 5, Paragraph 519 and 8 Illinois Administrative Code 25.90. Failure to provide this information shall prevent this form from being processed. This form has been approved by the State Forms Management Center.
IL406-0485 (7-87)



Signature of Seller