

State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

RECEIVED
CLERK'S OFFICE
AUG 18 2008
STATE OF ILLINOIS
Pollution Control Board

In The Matter Of:)
)
Anne McDonagh & David Fishbaum)
1464 Linden Avenue)
Highland Park, IL 60035)
)
Complainants,)
v.)
)
Richard and Amy Michelin)
1474 Linden Avenue)
Highland Park, IL 60035)
)
Respondents.)

PCB 2008-76

NOTICE OF FILING

TO: Anne McDonagh and David Fishbaum
1464 Linden Avenue
Highland Park, IL 60035

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

PLEASE TAKE NOTICE that on August 15, 2008, the undersigned filed with the State of Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of Respondents' Answer to Complainants' Complaint, a copy of which is attached hereto and served upon you.

Elliot S. Wiczer
WICZER & ZELMAR, LLC
500 Skokie Boulevard, Suite 350
Northbrook, IL 60062
(847) 849-4800
Attorney No. 37886

CERTIFICATE OF SERVICE

I, Elliot S. Wiczer, an attorney, on oath state that I caused a copy of the foregoing Notice and Answer to be served upon the person(s) named above by depositing the same in the United States Mail at 500 Skokie Boulevard, Northbrook, Illinois, before 5:00 p.m. on this 15 day of August, 2008, with proper postage prepaid.

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In The Matter Of:)
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Anne McDonagh & David Fishbaum)
1464 Linden Avenue)
Highland Park, IL 60035)
)
Complainants,)
v.) PCB 08-76
) (Citizens Enforcement – Noise)
Richard and Amy Michelon)
1474 Linden Avenue)
Highland Park, IL 60035)
)
Respondents.)

RESPONDENTS' ANSWER TO COMPLAINANTS' COMPLAINT

NOW COME the Respondents, RICHARD MICHELON and AMY MICHELON ("Respondents"), by and through their attorneys, Wiczer & Zelmar, LLC, and for their Answer to the Complainants, ANNE MCDONAGH and DAVID FISHBAUM ("Complainants") Complaint state as follows:

1. ANSWER: The Respondents admit the allegations contained in paragraph 1 of Complainants' Complaint.
2. ANSWER: There are no allegations made by the Claimants in paragraph 2 of Complainants' Complaint and therefore the Respondents do not answer.
3. ANSWER: The Respondents admit the allegations contained in paragraph 3 of Complainants' Complaint.

4. ANSWER: The Respondents deny the allegations contained in paragraph 4 of Complainants' Complaint.

5. ANSWER: The Respondents admit that the Complainants have filed a Complaint pursuant to 35 Ill. Adm. Code Subtitle H, Section 901.102(a). The Respondents deny the remaining allegations contained in paragraph 5 of Complainants' Complaint.

6. ANSWER: The Respondents admit that the Complainants allege there is noise pollution as defined under the relevant code sections, however the Respondents deny the remaining allegations contained in paragraph 6 of Complainants' Complaint.

7. ANSWER: The Respondents are without sufficient information to either admit or deny the allegations contained in paragraph 7 of Complainants' Complaint and therefore deny the same.

8. ANSWER: The Respondents are without sufficient information to either admit or deny the allegations contained in paragraph 8 of Complainants' Complaint and therefore deny the same.

9. ANSWER: The Respondents neither admit nor deny the allegations contained in paragraph 9 of Complainants' Complaint as some of the allegations contain conclusions of law for which no response is required. In addition, the Respondents are without sufficient information to either admit or deny the remaining allegations contained in paragraph 9 and therefore deny the same.

10. ANSWER: The Respondents admit that there are no known reported cases concerning the allegations made by Complainants.

11. ANSWER: The Respondents admit paragraph 11 of Complainants' Complaint.

WHEREFORE, the Respondents, RICHARD MICHELON and AMY MICHELON, pray this Administrative Review Board deny the relief sought in Complainants', ANNE MCDONAGH and DAVID FISHBAUM, Complaint and for any other relief this Board deems just and fit.

Respectfully submitted,

RICHARD MICHELON and
AMY MICHELON

By: _____
One of Their Attorneys

Elliot S. Wiczer
WICZER & ZELMAR, LLC
500 Skokie Boulevard, Suite 350
Northbrook, IL 60062
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Attorney No. 37886