

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

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APR 06 2004

STATE OF ILLINOIS
Pollution Control Board

MICHAEL A. PETROSIUS and Darla G.)
PETROSIUS)

Complainants,)

v.)

ILLINOIS STATE TOLL HIGHWAY)
AUTHORITY)

Respondent.)

No. PCB 04-36
(Citizen's Enforcement
Noise)

NOTICE OF FILING

To: Carol Sudman
Hearing Officer
Illinois Pollution Control Board
600 South Second St. Suite 402
Springfield, Illinois 62704

Victor Azar
2700 Ogden Avenue
Downers Grove, Ill. 60515

Please take notice that on the 2nd day of April, 2004, Complainant Michael and Darla Petrosius, by their attorney, Scott Dworschak, mailed for filing the attached COMPLAINANT'S RESPONSE TO RESPONDANT'S FIRST REQUEST FOR ADMISSION OF FACTS with Dorothy M. Gunn, the Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph St. Ste. 11-500, Chicago, Illinois 60601.

BY:


Scott Dworschak

Scott Dworschak
Perkaus & Farley, LLC
1343 North Wells
Chicago, Illinois 60610
312-944-8200

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that copies of the foregoing were served upon the above named individuals at the above addresses by depositing the same in the United States mail chute located at 1400 North Wells, Chicago, Illinois, 60610, on the 2nd day of April, 2004 with proper postage prepaid.

By:


Scott Dworschak

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**COMPLAINANTS' RESPONSE TO
RESPONDENT'S FIRST REQUEST FOR ADMISSION OF FACTS**

NOW COMES, the Complainants, Michael & Darla Petrosius, by their attorney Scott Dworschak, Perkaus & Farley, LLC, and in answer to "RESPONDENT'S FIRST REQUEST FOR ADMISSION OF FACTS", responds as follows:

ADMISSION NO. 1

Complainants are unable to respond since Respondent has failed to state when the I-294 toll highway was constructed and/or began operation. Complainants deny the allegation until such time as specific construction/operation information is produced.

ADMISSION NO. 2

Complainants are unable to respond since Respondent has failed to state when the 5th Street entrance ramp on the I-294 toll highway was constructed and/or began operation. Complainants deny the allegation until such time as specific construction/operation information is produced.

ADMISSION NO. 3

Complainants are unable to respond since Respondent has failed to state when the sound wall was constructed near their residence on 7335 Maridon Road. Complainants deny the allegation until such time as specific construction/operation information is produced.

ADMISSION NO. 4

Complainants are unable to respond since Respondent has failed to state when the sound wall was constructed near their residence on 7335 Maridon Road. Complainants deny the allegation until such time as specific construction/operation information is produced.

ADMISSION NO. 5

Complainants deny this allegation. Respondent has not produced any evidence to support this allegation, nor have they adequately defined the term "significantly".

ADMISSION NO. 6

Complainants admit that they inspected the residence located at 7335 Maridon Road in regards to the condition and structure of the physical residence.

ADMISSION NO. 7

Complainants object to this request as vague. The purchase price of the residence located at 7335 Maridon Road reflects numerous valuations and price considerations.

ADMISSION NO. 8

Complainants were aware of the "location" of the residence situated at 7335 Maridon Road, however, deny the awareness of any specific noise levels.

ADMISSION NO. 9

Complainants object that this request is irrelevant to the subject matter. Complainants deny the allegation until such time as evidence relating to specific relevance can be produced.

ADMISSION NO. 10

Complainants object that this request is irrelevant to the subject matter. Complainants deny the allegation until such time as evidence relating to specific relevance can be produced.

ADMISSION NO. 11

Complainants deny this allegation. Respondent has not adequately defined the term "reduction", nor have they adequately described specific location(s) at which to "notice a reduction of noise".

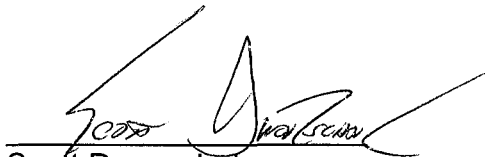
ADMISSION NO. 12

Complainants object that this request is irrelevant to the subject matter. Complainants deny the allegation until such time as evidence relating to specific relevance can be produced.

ADMISSION NO. 13

Complainants object that this request is irrelevant to the subject matter. Complainants have no knowledge of the route common carriers utilize when delivering items to their home. Complainants deny the allegation until such time as evidence relating to specific relevance can be produced.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott Dworschak', is written over a horizontal line.

Scott Dworschak
Attorney for Complainant
Perkaus & Farley, LLC
1343 North Wells
Chicago, Illinois 60610
312-944-8200