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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 10 2003

BARBARA STUART and RONALD)
STUART,)
Complainants,)
v.)
FRANKLIN FISHER and PHYLLIS)
FISHER,)
Respondents.)

STATE OF ILLINOIS
Pollution Control Board

No. PCB 02-164
Citizen Enforcement

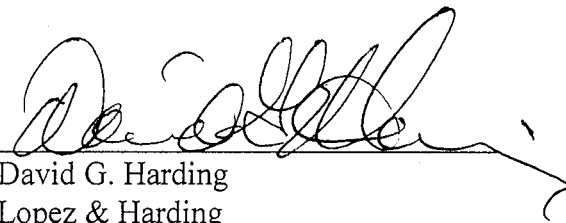
To: Dorothy M. Gunn
Suite 11-500
100 W. Randolph St.

Barbara & Ronald Stuart
213 E. Corning Road
Beecher, IL 60401

Bradley P. Halloran
Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

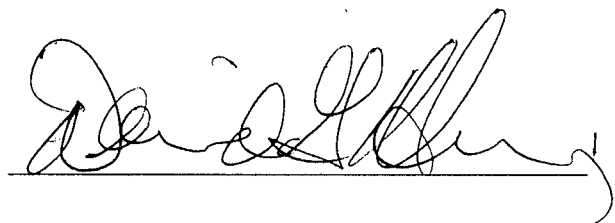
NOTICE OF FILING

PLEASE TAKE NOTICE that I have, on July 10, 2003, filed with the Office of the Clerk of the Pollution Control Board the Respondent's Motion for Site Visit, a copy of which is herewith served upon you.


David G. Harding
Lopez & Harding
Attorneys for Respondents
100 N. LaSalle St., Suite 1107
Chicago, IL 60602-3803
(312) 782-3039

CERTIFICATE OF SERVICE

I, David G. Harding, certify that on July 10, 2003, I served the attached Motion for Site Visit by delivery to Dorothy M. Gunn at her address as shown above, and by pre-paid first class mail upon all others to whom directed to their addresses as shown above.



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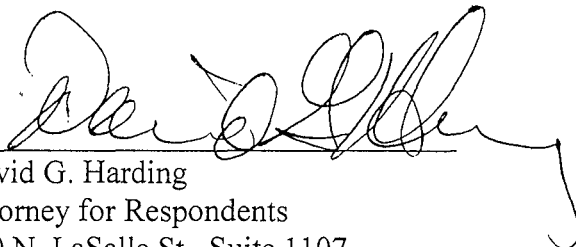
MOTION TO DISMISS AS FRIVOLOUS /
FOR FAILURE TO STATE A CAUSE OF ACTION

Respondent, Franklin Fisher, herein moves the Board, pursuant to 35 Ill. Adm. Code § 101.632 to conduct a site visit in order to make a more comprehensive record, and in support thereof, states as follows:

1. The sound of which Complainants have complained is produced in a context.
2. The presence of growing crops, distance from Complainants to source, nature of the sound itself and the sounds otherwise associated with the vicinity, is relevant to the determination of whether there is pollution under applicable standards.
3. On or about October 1 of each year, the context in which the sound is produced is altered and the sound is no longer produced until the following year.
4. Winding up discovery, the setting of a hearing is imminent.

WHEREFORE, Respondents, Franklin Fisher and Phyllis Fisher, move the Board to conduct a site visit before the end of September, 2003.

Respectfully submitted,



David G. Harding
Attorney for Respondents
100 N. LaSalle St., Suite 1107
Chicago, IL 60602-3803
(312) 782-3039