

**THE ILLINOIS POLLUTION CONTROL BOARD
PCB 23-133**

May 07, 2025

Anna Andrushko, Complainant vs Thomas Egan, Respondent

REVISED COMPLAINANT'S INTERROGATORIES TO RESPONDENT

I Identification and Background:

1. State the name(s) and address(s) who participated in the preparation of the answers to these interrogatories. With respect to each such person, state his or her expert qualifications, if any.

Answer:

2.
 - a. State your full name, present address, prior address, marital status, date of birth.
 - b. Please identify all individuals who reside at 9311 S Spaulding Avenue where the dogs are kept? Full names and relationship.
 - c. Please state the address where the dog that is the subject of this complaint reside.
 - d. Please state whether you are the owner of the dog. If you are not the owner of the dog, please identify who is the owner of the dog.
 - e. Identify any individuals who regularly care for or monitor your dog, including dog walkers, neighbors, or family members.

Answers:

II. Information Regarding the Dog's Barking:

3. Information about the dog and the subject of this complaint.
 - a. Breed of the dog.
 - d. Who acquired the dog?
 - e. Are you the original owner? If not, who is the prior owner?
 - f. What date did you acquire your dog?
 - g. Where did you acquire the dog? What facility, shelter, or owner? Please state facility, shelter and location. Provide a License of the facility or Business License.

- h. What is the reason you acquired your dog?
- i. Provide the background and/or History of the dog? Provide Medical History.
- j. Name of the dog.
- k. Is the dog a male or female?
- l. Is the dog neutered or spayed?
- m. What is the age of the dog?
- n. Size, Height, Weight of the dog?
- o. Characteristics of the dog influenced by breeding for specific purposes and behavioral tendencies and temperaments:

What is the breed group? Sporting, Hound, Terrier, Working, Toy, Non-Sporting, Herding? Please explain.

What is the adaptability? Suited for what environment or lifestyle? Apartment living or active outdoor adventures? Please explain.

Answer:

- 4. Are you aware of any medical or behavioral conditions that may contribute to your dogs' barking? If so, please describe the condition and any treatment or medication the dog receives or received.

Answer:

- 5. Have you consulted your vet or trainer about continued behavior of your dog barking when you continue to face issues? Please provide documentation. Please explain.

Answer:

- 6. Who is your veterinarian? Please provide name, address, and contact information. Please provide medical records related to dog barking behaviors.

Answer:

- 7. Has your dog undergone any obedience training or behavior modification related to barking? If so, please provide the name and contact information of the trainer or behaviorist, the dates of training, and the techniques used. Please provide all certificates of training.

Answer:

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8. Is your dog ever left unattended outdoors for extended periods? If so, please state the typical duration and frequency of such instances. When?

Answer:

9. Guidelines for Responsible Pet Ownership and obey all local ordinances and to avoid or limit dog barking:
- a. Do you provide basic health and welfare to eliminate disturbing the neighbors from barking? Please list, such as adequate food, water, shelter, yard space, companionship for the dog?
 - b. To avoid your dog from excessive barking, how do you keep things interesting for your dog? Do you provide plenty of chew toys for your dog to play with? Raw bones, toys, chew ropes, etc.? Provide documentation.
 - c. Do you teach dog boundaries? Please explain. Provide documentation.
 - d. Dogs are territorial and don't take kindly to other critters invading their space, such as roaming bands of feral cats, racoons, squirrels, etc. How do you resolve your dog from barking and annoying the neighbors? What steps (doggie door, muzzles, electronic collars, landscape) have you taken to eliminate excessive barking behavior during the day that will disturb the neighbors?
 - e. What stimulation do you have available in your yard to keep your dog occupied outside to avoid or limit barking?
 - f. Common causes of dog barking include: dislikes being left alone, frustration, guarding instinct, attention seeking, frightened, boredom, or excitement, etc. What is the reason your dog is barking? Do you provide daily exercise? Please explain.
 - g. Do you isolate your dog in our backyard with no human interaction? This practice can lead to dog barking. Please explain.

Answers:

10. Do you prevent your dog from negatively impacting other people, animals, and the environment by allowing your dog to constantly bark? Please explain why or why not.

Answer:

11. Give a detailed statement of the facts as to how you argue that the noise pollution (music, honking of car horns aimed at the complainant when passing by her, dog barking at complainant) took place after **May 01, 2020, Cease and Desist** letter Mr. Egan received to include any facts and documents upon which you intend to rely upon in support of any defense.

Answer:

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12. Please identify any specific triggers that cause your dog to bark (i.e. objects, sounds, specific noises, animals, people, being left alone, etc.).

Answer:

13. Please describe in detail the circumstances under which your dog barks. Include, but are not limited to:
- a. Time of day? Day or Night?
 - b. Frequency of dog barking?
 - c. Duration? Daily or Weekly basis?
 - d. Apparent cause of the barking?
 - e. Other circumstances.

Answers:

14. Have you received any prior complaints or warning, formal or informal, regarding your dog barking or behaviors from neighbors, animal control, or any other individuals or entities? If so, please state the date of each complaint, the name of the complaining party, and the substance of the complaint. Please provide documentation.

Answer:

15. If you received any prior complaints, please describe in detail any actions you took in response to those complaints.

Answer:

16. Have you made the statement to anyone that "you wanted advice about how to deal with a bad neighbor?" Have you taken action against your neighbor by using the dog to disturb the peace and enjoyment of a neighbor property to force anyone to move by allowing you dog to continuously bark and disturb the peace? Please explain your statement.

Answer:

17. What is your motivation for allowing your dog to bark? Please explain.

Answer:

18. Do you find your barking dog is excessive? Why or why not? Please explain.

Answer:

19. State where you have communicated with the complainant about the barking, and if so, describe those communications.

Answer:

20. Do you dispute the complainant's allegations regarding the barking? If so, state the basis for your denial.

III. Preventative Action / Noise Abatement:

21. Do you take any measures to prevent or control your dog barking? If so, please describe in detail all such measures and when they were implemented.

Answer:

22. Noise Abatement Order:

Order: January 6, 2025 Order IPCB, Mr. Egan suggested noise remediation device installed on his property and have not met your obligation. Ms. Andrushko was informed, with a photo provided, of the "tarp" that would stand 5'10" installed on Respondent's property.

Order: February 20, 2025, Summary Judgement was denied, and still no fence was installed.

Order: March 06, 2025 status meeting resulted in no fence installation.

Order: March 27, 2025 status meeting resulted in no fence installation.

Order: April 17, 2025 status meeting resulted in no fence installation.

a. What date was 3-foot privacy device installed?

b. Why was the original "tarp" measuring 5'10" privacy device not installed and instead a 3-foot vinyl lattice with holes/preformation?

c. Does the 3-foot vinyl lattice with holes/perforations device mitigate the dog barking behavior? The Complainant's wood fence picket (vertical boards) spaces contracted over time due to weatherization and with the holes in the vinyl lattice allows the dog to see through the fence pickets as well as over.

Answers:

23. Do you correct the dog barking behavior immediately by training your dog? Please explain why or why not.

Answer:

24. Do you monitor your dog to assess the reason your dog is barking to take appropriate action for noise abatement? Please explain why or why not.

Answer:

25. Identify any surveillance systems, sound monitoring devices, or other means used to monitor noise on your property to assist with correcting the dog barking noise level and to the appropriate levels.

Answer:

III. Impact on the Complainant:

26. Do you dispute that the barking of your dog has caused a disturbance to Ms. Andrushko? If so, please state all the reasons for your denial?

Answer:

27. Describe your understanding of local noise or nuisance ordinances related to dog barking.

Answer:

28. Do you have any video or audio recordings relevant to the complainant (i.e. footage of the dog's behavior or evidence refuting the claim)? If so, describe.

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COMPLAINANT'S REQUEST FOR PRODUCTION

1. Produce all documents about the acquisition and origin of the dog and that includes all ownership papers and should include: (a) Breed of the dog (b) size of the dog (c) weight (d) acquisition date of dog (e) facility/shelter or where did you acquire the dog (f) medical history (g) and age of the dog.
2. Identify any and all witnesses you intend to call, mention, and/or introduce at the hearing.
 - a. experts name(s)
 - b. his/her area of expertise, factual basis for each such opinion
 - c. address(es)
 - c. subject matter(s), opinion(s),
 - d. amount of compensation paid to each such expert (receipts)

3. Identify any and all documents and reports, and identify with specificity each document, you intend to introduce as an exhibit or to offer into evidence at trial, recordings including, but not limited to, pictures, photographs, visual recorded images, and audio recordings, from your point of view.

The recordings should be the same requirements referenced in the Respondent's Requests to Admit to Complainant, per the measurements of noise emissions adhering to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection and Section 901.102(a) and (b)(35Ill. Adm. Code 901.102(a), (b)). Include numeric measurements of noise emissions prepared by you or a professional, as they relate to this case, including but not limited to descriptions of corresponding measurement techniques and measurement results.

4. Provide respondent's plat of survey, scale, map or drawing of the property located at 9311 S Spaulding Avenue, Evergreen Park, IL 60805.
5. Produce complete photos of your back yard and views (north, south, east, and west), including fence, lawn, back of house, deck, including garage views and along boundary lot perimeter along adjoining lot where the complainant lot is located. Include photos taken from the respondent's deck and at the ground levels. Identify with specificity each document.

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6. Provide documentation to support steps you have taken to avoid or reduce the noise nuisance. List any and all equipment or products (toys, raw bones, chew ropes, landscape materials), services provided to (training), including various receipts (not limited to last 60 days, that includes dates, names, names of businesses, contact numbers, and cost.
7. Produce and identify with specificity all documents considered or used in providing your Answers to the Complainant's Interrogatories delivered simultaneously with this Request to Produce.
8. Provide veterinarian records of the dog.
9. Provide documentation you have received about your dog barking warning behaviors.