

MAR 25 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS  
Pollution Control Board

Ronald Stuart and )  
Barbara Stuart )  
Complainants, )  
Vs. )  
Franklin Fisher and )  
Phyllis Fisher )  
Respondents )

PCB 02-164  
Citizens Enforcement/Noise

Dorothy Gunn	Bradley P.Halloran	David Harding	Bobby Petrungarro
Clerk of the IPCB	Hearing Officer	Lopez and Harding	Will County
100 W. Randolph	100 W. Randolph	100 N. LaSalle	States Attorney Office
Ste 11-500	Ste 11-500	Ste 1107	14 W. Jeffereson
Chicago, Il. 60601	Chicago, Il. 60601	Chicago, Il 60602	Joliet, Illinois 60432

NOTICE OF FILING

PLEASE TAKE NOTICE, that we the Complainants have on March 24, 2004, filed with the Clerk, Dorothy Gunn of the Illinois Pollution Control Board a MOTION TO LEAVE TO SUPPLEMENT THE RECORD, a copy of which herewith served upon you.

The purpose for filing a MOTION TO LEAVE TO SUPPLEMENT THE RECORD, is to give the Board an opportunity to review information which was not disposed at our hearing dated March 9, 2004. We will give detailed information as to what we would like the Board to consider to incorporated into our Hearing record, as well as a reason why we feel this is relevant.

1. Photographs taken of Franklin Fishers home (two years ago) but only developed in February of 2004. Authenticity of date of film processing is stamped on back of film. The originals will be placed in the safekeeping of Dorothy Gunn. During the Hearing I had intentions of using these photos as evidence showing Mr. Fisher dumps spoiled produce on the front portion of his property near a ditch which leads to the Trim Creek only 1/5 mile from his home. When questioned he answered "no he doesn't dump spoiled produce on the front of his property. Unfortunately photos were mistakenly left at home in our photo file.

These are numbered 1, 2, 3, and 4

**RELEVANCE:** These photos will allow the Board to clearly see Mr. Fisher does indeed have hundreds of pounds of spoiled melons, tomatoes, watermelon, corn, etc. dumped at the front of his property, which is counter productive to protecting his crops from crows. This spoiled food attracts CROWS, raccoon, fox and other animals that thrive on watermelons. This is like putting out appetizers for the pests he is trying to control.

2. Photographs of our home. At the time of the hearing the photographs were not on hand. These photos are of the back portion of our home. Marked are bedrooms, living rooms, and the pool area.. There is a log sheet which is an "offer of proof" from the hearing, with propane cannon sounds I measured. The logsheet has the records of particular dates of taking sound measurements from the cannons, along with the weather. However, I did not state where I was taking the readings. I was relying on my tapings from the cam corder, and did not put this information into the computer. On the photos is a circle where I took most of the cannon noise readings from the Radio Shack meter supplied by Greg Zak. For the record, I always avoided areas where there could be reflective or echo sounds. I also stayed away from the house to take reading as recommended by Mr. Zak. These readings were taken about 100 feet from our western property line. For as much as I tried to have the 8 mm tapes of records from the cam corder converted to a VHS tape, it failed every time. We stated during the time of testimony, it was difficult to sleep in the bedrooms because they were so close to the sound of the cannon noise. The living room area is an area where we must keep the windows shut to avoid the noise of the cannons. These areas are marked with bright orange tape. **This Photo is number # 5.**

**RELEVANCE:** I feel it would be to the advantage of the board to get a visual picture of how our home is set up. Where the readings of the cannon noise were actually taken from. At one time my son Michael during testimony at the Hearing went into description of where the dogs were at (living room) when pacing and shivering from the cannon sounds. He also stated he could not sleep without a fan on to dub out the noise. I myself was always waken by the sounds through my bedroom window each and every morning at 5:30 by this noise. Yes even on Sundays. Shutting the window did not help.

3. At the Hearing we were given a black and white copy of pictures of damaged watermelons (an exhibit) supposedly from the Fisher farm. These photos may be from 2002, 2001, or 2000. We were never told. It is difficult for us to even examine the photographs. There were no crows around the melons. After the hearing I did a little research on watermelon damage. Through an agricultural cooperative Extension program photos were available showing the damage crows, raccoons, fox, and other animals can do. As you know Extension programs at many Universities throughout the U.S. are Federally and State funded. Extension programs are nonpolitical, objective and based on FACTUAL information, not Hearsay. With the permission of the Board I would like to submit items **labeled #6** (black and white copies of respondents exhibit), along with the color photos taken by an Extension Program depicting damage caused to watermelons from four footed animals **this is labeled #7 They're stapled together**

**RELEVANCE:** Since the black and white copies of the allegedly damaged watermelons are a part of evidence of money lost from crops. During the time of Discovery, Mr. Fisher refused to answer #22 Interrogatory. Mr. Halloran on May 29, 2003 sent a Hearing Officer Order stating: "by failing to answer interrogatory number 22, the respondents will not be permitted to argue or introduce evidence at hearing regarding loss of income due to birds. Not being an attorney obviously, but wouldn't a photo of damaged watermelons constitute a "loss of income due to birds"? Mr. Halloran was so patient with us during the hearing, and I didn't remember at the time of the hearing, he had ordered this. So please know this is no fault of anyone's. Mr. Halloran cannot be expected to remember everything about this complex case. The item labeled #7 shows how it's difficult to distinguish if a crow or

4. The answers from Mr. Fisher to Interrogatories, were never filed at the Hearing. We were going to submit them, but didn't know the proper time. There was a lot of confusion on our part regarding when to do this and that. Mr. Harding did not make it any easier because he was raising his voice and showing how frustrated he was with me, (Barbara Stuart) in particular. The answers to our asked Interrogatories of Mr. Fisher are **labeled #9.**

**RELEVANCE:** I Think the Board should have this information on hand. There are questions that never were given answers. Special attention to number 3, 7, 8, 19, 22, and 25. Mr. Fisher calls the cannons a "Priviledged Work Product". A priviledge work product is a piece of equipment that is NORMALLY used farmers. No one uses them out in our area. Only Mr. Fisher, and there are other watermelon growers in the area, Bultema is one I know of.

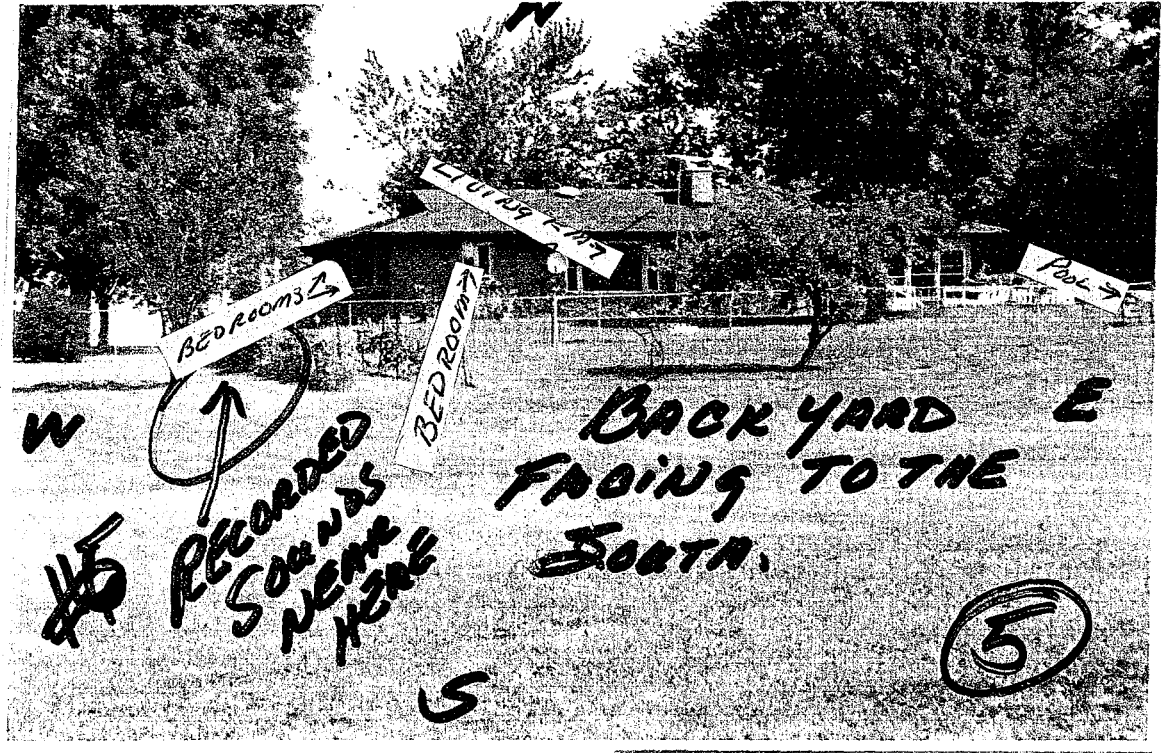
**I would like to comment, almost every year I travel to the state of Arkansas, home of some of the largest farms of Watermelon.** Not once have I ever heard a propane cannon in a field go off.

5.The "Map Board", as I call it was labeled an exhibit. ( This took an enormous amount of work.) On the board was a brochure from Reed-Joseph to show a picture of what propane cannons look like. It also showed other devices available instead of using cannons. I recently discovered Reed-Joseph changed their advertising and put new information on their website. I discovered a printable form with the Scare a way 3 cannon. **This is marked # 8** this form states the number of decibels it emits when it is fired. A Scare away 3 is an older version of a cannon, but still made. It's a little old and outdated, so it is not adjustable for sound, or amount of firings. But it can be put on a timer.

**RELEVANCE:** To provide for the Board important information concerning the cannons Mr. Fisher used. A. It gives the decibel levels, very similar to Mr. Zak's readings of decibels in the 1979 case in Knox County. B. It gives more updated solutions to using cannons, which are also listed on the form along with the price of these alternatives. In order to get a real affect of what the cannon looks, and the size of it, you would find it on the "Judge Mathes" tape submitted by Mr. Harding as an exhibit. Mr. Halloran is examining the tape to determine it's significance to this case.

We appreciate the board for reviewing all this information. We really were not well prepared to properly present our case. Please know we did the best we could. And we are grateful that there is a possibility that this information could possibly be entered into the record. We know and trust the Board will do what is right and fair. This is the first time we have ever been to a Hearing. I wish I would have sat in on a Hearing to see the way one is conducted. I felt so unprepared, even with all the months I put into this work. Again thank you.

ALL FILING OF DOCUMENTS SUBMITTED ON RECYCLED PAPER



W

#5

RECORDED  
SOUNDS  
HEARD  
HERE

S

BACK YARD  
FACING TO THE  
SOUTH.

5

BEDROOMS

BEDROOM

LIVING

POOL

Fishers

PCB

02/16/01



Dumped produce

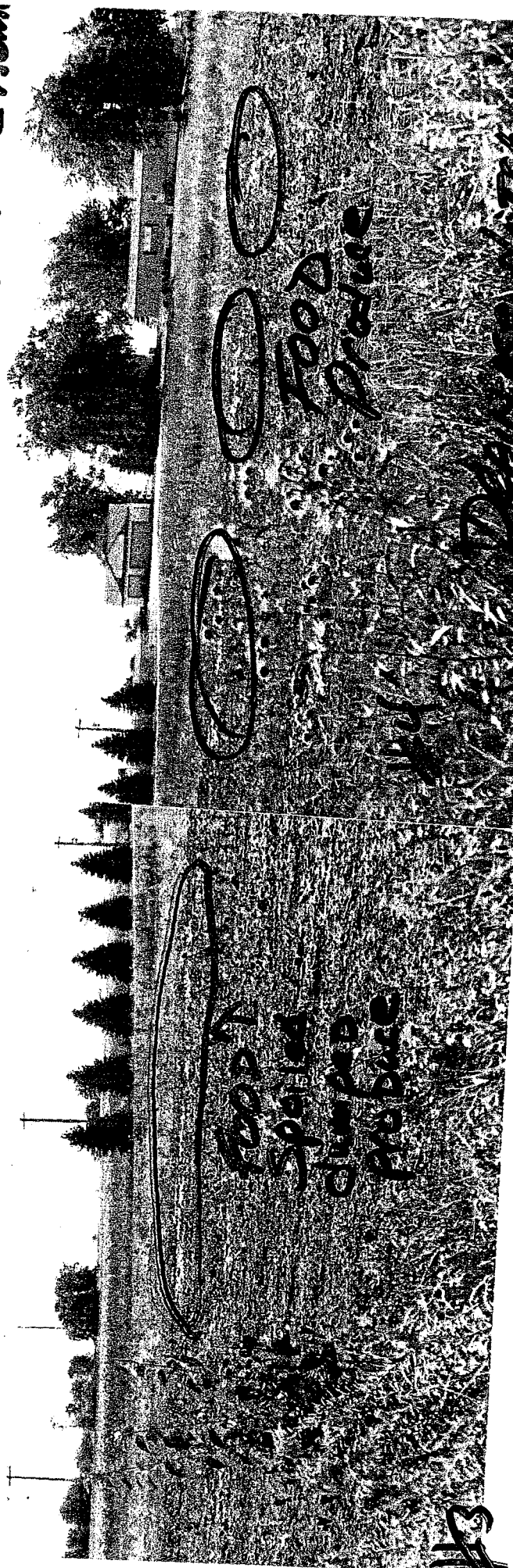
#1

→ NEXT TO RD

#2 creek 1/2 mi. →

DITCH TO

Fisher Farm - 2 Hom



FOOD Spoiled dumped produce

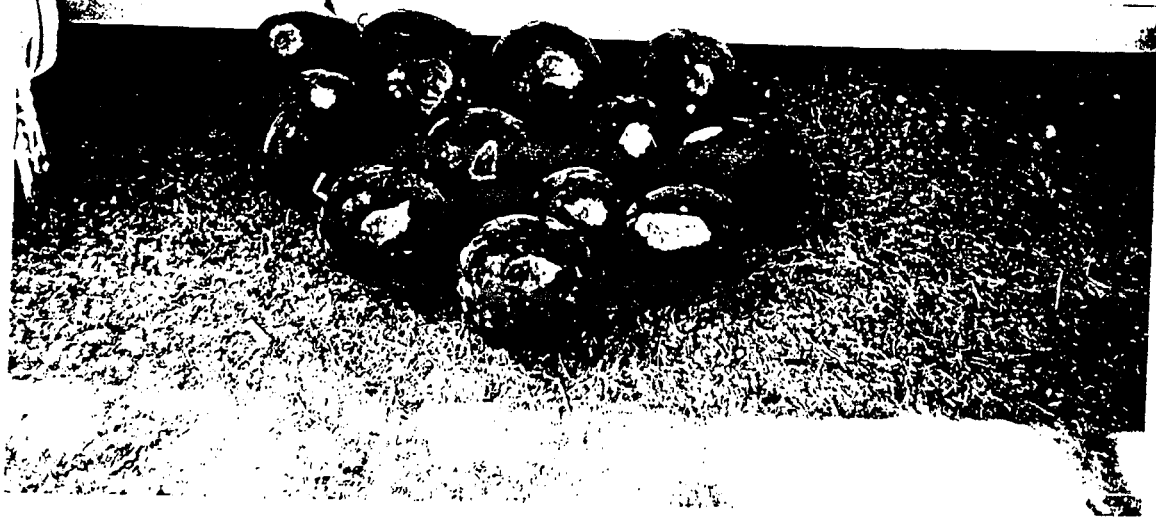
FOOD Prairie

#3

TO CAMP

6

DEFENDANT'S  
EXHIBIT  
23



These are awfully large holes to be  
made by crows!

When was your team taken @. Where are  
the crows.

# ANIMAL PESTS

Crow damage



Raccoon damage



Beaver damage



Hog damage



Coyote damage



Deer damage



[Back to Watermelon Home Page](#)

7



## Typical raccoon damage to a watermelon fruit

Source: *Watermelons: Characteristics, Production and Marketing*. ASHS Press, Alexandria, Va.  
Original provided by Donald N. Maynard

[Back to Animal Pests Digital Library](#)  
[Back to Watermelon Home Page](#)

#1





Reed-Joseph uses sound & motion to disperse bird & wildlife pests. With 50 years of experience, we are unmatched in service and quality. Our trained technicians are constantly testing new products to assure that our customers have access to the best technology.

Call us toll-free at 800.647-5554 for a free consultation!



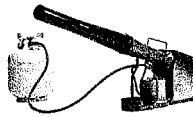
## Scare Away LP Gas Cannons...

Home: Scare Away LP Gas Cannons

Protect your investment from bird and wildlife infestation automatically! Scare-Away LP gas cannons produce harmless 130 decibel bangs to disperse bird and wildlife from crops, orchards, vineyards, campuses, golf courses, fish ponds, parks, airfields, and landfills. Scare-Away cannons are powered by the same five gallon LP gas cylinders used for outdoor grills. The cost for this valuable protection- pennies a day!

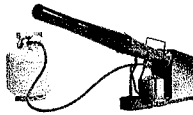
### Scare Away LP Gas Cannon Products

➔ [Click here to view accessories>>>](#)



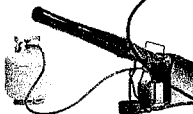
**M8 Multi-Bang (\$365 each)**

Produces random series of single, double, and triple-shot clusters. Time between series may be adjusted from every 30 seconds to every 20 minutes.



**M4 (\$310 each)**

Produces single bangs which can be regulated from one bang every 30 seconds to one bang every 20 minutes and utilizes piezo ignition. Operating without batteries or electricity, the piezo-produces up to 200,000 ignitions.



**M3 (\$275 each)**

Produces bangs identical to the M4 and utilizes flint ignition. Each flint produces up to 1000 ignitions.

Showing 1 to 3 of 3 works.  
[[ 1 ]]

*Mr. Fisher re adjusting number of bangs.*

#8



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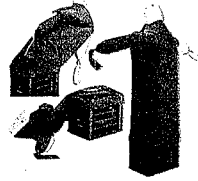
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## Sight & Motion...

Home: Sight and Motion

### Sight and Motion Products



#### NEW! Scarey Man

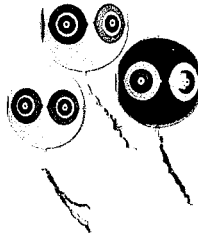
This human-sized inflatable scarecrow combines sudden movement as it inflates with a siren-like noise, a bird phobic color, and illumination at night. The surprising effects frighten away birds, deer, and other animal pests as Scarey Man inflates and deflates on a controlled time basis. [Click here](#) to see a brief video of Scarey Man in action!

**Multiuse Unit (\$700.00 each)** can be set to operate during daylight, dark, or on a 24 hour basis.

**Preset Timer Unit (\$800.00 each)** has a digital clock fitted. Set the times you desire Scarey Man to activate and deactivate.

#### Evil Eye Balloons (\$9.50 each)

These 16 inch diameter heavy-duty vinyl balloons discourage birds from roosting around gardens, boats, marinas, buildings, airplane hangars, fruit and berry crops, livestock pens, and other problem areas.



#### NEW! Avian Dissuader (\$995 each)

Disperse birds without sound or harm! Simply point the hand-held laser in the direction of targeted birds. The 650nm wavelength beam will startle, frighten, and drive them away. Most effective in low light conditions. Range is 1500 feet. For technical information, visit [AvianDissuader.com](http://AvianDissuader.com).

Showing 1 to 3 of 5 works.  
 [[ 1 ]][ 2 ] [Next]



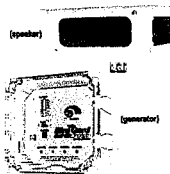
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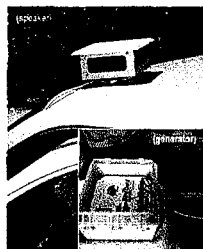
Home: Bird Gard

### Bird Gard Products



#### Bird Gard (\$550 each)

A cost effective tool in your bird dispersal arsenal, the Bird Gard system provides a wide selection of fully programable digital distress cries and predator sounds. Bird Gard is powered by either 110 volt AC or 12 volt battery. For technical information, visit [BirdGard.com](http://BirdGard.com).



#### Mobile Bird Gard (\$580 each)

Target your bird dispersal program more accurately with our Mobile Bird Gard. installation is a snap! Simply plug the sound generator into your vehicle's cigarette lighter and place the magnet-based speaker on the roof.

Showing 1 to 2 of 2 works.

[[ 1 ]]





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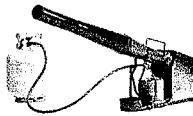
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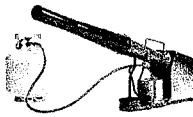
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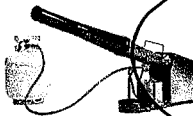
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*Mr. Fisher, no adjustment  
 with number of bangs.*

*1/8*



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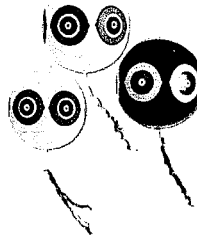
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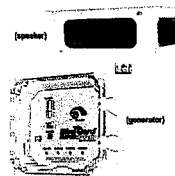
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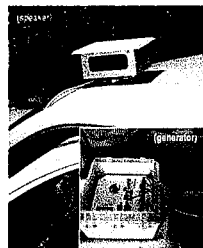
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9

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BARBARA STUART and RONALD )  
 STUART )  
 Complainants, )  
 )  
 v. )  
 )  
 FRANKLIN FISHER, )  
 )  
 Respondent. )

No. PCB 02-164  
 Citizen Enforcement

To: Barbara Stuart and Ronald Stuart  
 213 E. Corning Rd.  
 Beecher, IL 60401

ANSWERS TO INTERROGATORIES

Franklin Fisher, being first duly sworn on oath, states that the following answers to interrogatories propounded by complainants, Barbara Stuart and Ronald Stuart, are true:

1. State the name, address and job title of the person answering these Interrogatories on behalf of the respondent.

ANSWER:

Franklin Fisher, Corning Road, R.R. 2, Beecher, IL 60401-9802

2. Please identify each and every propane cannon at the respondents facility at 13 W. Corning Rd. Beecher, Illinois. With regard to each said propane cannon, specifically state:

- a. make
- b. model
- c. serial number
- d. date of manufacture
- e. the location of each of the above referenced cannons on the plan view including relocation sites of cannons.

ANSWER:

The information shown on the cannons is Scare-Away, Made in Belgium for Reed-Joseph Co., Greenville, Mississippi. No model number, serial number or date of manufacture is

available. No plan view was provided with the interrogatory.

3. Please provide the dimensions of each building or structure located on the respondent's Beecher farm facility at 13 W. Corning Rd. Beecher, Illinois. Include any resident/relative who is within 50 feet of your home.

ANSWER:

Objection. The interrogatory calls for information which is not relevant or material or likely to lead to relevant or material evidence.

4. For each propane cannon at respondent's Beecher facility (located at 13 W. Corning Road,) please state the date of purchase of these cannons, the date of installation and the name and address of each person who installed said equipment.

ANSWER:

The cannons were purchased in 2001 and required no special installation.

5. Has anyone complained to you, in writing or orally, about the noise produced by the equipment installed at you Beecher facility (13 W. Corning Rd.)? If so, provide the name, address and phone number of each such person, and provide the date(s) and contents of the complaint(s).

ANSWER:

Other than the complaints by these complainants, respondent did receive an unsigned letter a few weeks after commencing use of the cannons in 2002, a copy of which is attached.

o. Is respondent aware of anyone complaining to any governmental agent, in writing or orally, about the noise produced by the propane cannons used at you facility at 13 W. Corning Rd. in Beecher, Ill? If so provide the name, address and phone number of each such person, and provide the date and contents of the complaint. Please go back to 8-8-2001 up until the present time and date.

ANSWER:

Other than the present complainants, no.

7. Has the respondent been contacted by a local, State, or Federal agency regarding the complaints coming from the loud sounds of the propane cannons at your facility at 13 W.



Coming Rd. Beecher, Ill. If so specifically date, what agency, the dates, and the contents of the complaint. Starting on 8-8-01 til present time.

ANSWER:

Other than in response to the continuing harassment by these complainants, no.

8. Identify with particularity every federal, state and local law, ordinance or regulation which you contend applies to or governs the noise produced at your Beecher facility at 13 W. Coming Road.

ANSWER:

Objection. Privileged work product.

9. Please state what contends is a reasonable amount of noise (in decibels or other uniform measurement) for it to produce at it Beecher facility.

ANSWER:

Objection, the interrogatory is incomprehensible. Assuming that the interrogatory is directed to a contention by respondent, respondent assumes that he is bound by the law of the State of Illinois.

10. With regard to the propane cannons you use at your facility at 13 W. Coming road, in Beecher including equipment intended to minimize or mitigate the noise impact state:

a. Available alternative equipment at the time of your Purchase of the propane cannons, ie: nets, lanterns etc.

b. the identity of the person or business you purchased each propane cannon from, including address and phone number

b. The identity of every person responsible for the selection and purchase of each propane cannon.

ANSWER:

**X** a. Alternative equipment suggested is ineffective, and light producing or reflective equipment actually attracts crows.

b. Bob Van Der Griend, Sr., 2812 Glenwood-Lansing Rd., Chicago Heights, IL 60411;  
(708) 418-1820.

b. Franklin Fisher. -

11. With regard to all truck traffic on respondent's premises, please state the following:

c. the annual amount of produce/crops transported in and out of respondents facility, in tons, for the years 1993 through 2002.

d. The percentage of light (less than 8,000 lbs GVW) and heavy trucks (more than 8,000lbs GVW)

ANSWER:

Objection. The information sought is not relevant or material or designed to lead to material or relevant information. Notwithstanding the objection, the data is has not been gathered or maintained.

12.)Please state all equipment used by respondent to take noise measurements at respondent's Beecher facility (located at 13 W. Corning Rd.) by make, model, serial number, and the date of last calibration traceable to the National Institute of Standards and Technology (NIST).

ANSWER:

None.

13. If you have retained, employed or subpoenaed any expert witnesses who may be expected to render an opinion at trial, then as to each expert, state:

e. His name, address, telephone number and employer or other business affiliation.

f. The subject matter on which the expert is expected to testify;

g. His conclusions and opinions;

h. The basis for each conclusion or opinion;

i. His qualifications;

j. Whether the expert has prepared any written reports, communications, correspondence, or documents of any kind, and a description of each such document, and attach a copy of the reports or documents to these interrogatories;

k. The date each said expert was retained:

1. Whether said expert has been retained by you or your attorney on prior occasions;

ANSWER:

No expert has been retained to date. —

14. Has any expert, or anyone at said expert's direction, prepared any field report, field notes, hand written notes, memorandum, correspondence, records of telephone conversations, diagrams, drawings, blueprints, photographs, statements or any other written, printed, electronically or photographically recorded materials in preparing, investigating, researching, evaluation, or forming any opinions on the issues involved in this case. If so, please provide a copy of the same.

ANSWER:

No.

15. Please state every regulation, statute, law or guideline on which such expert will rely.

ANSWER:

None.

16. State each and every article, book, report or other writing upon which each expert relies in reaching the forgoing opinions.

ANSWER:

None.

17. Has respondent, its agents or anyone on its behalf ever made any repairs, adjustments, modifications, replacement of parts, or any other type of change to respondent's propane cannons in order to muffle the noise which is created by such cannons. If so, state the following:

a. specifically what repairs, adjustments, modifications and for replacement of parts were made;

b. date of said change, repair, adjustment, modification, replacement of parts

c. name and address of the party making such change, repair adjustment, modification, replacement of parts etc.;

d. the cost of any and all changes, repairs, adjustments or modification to the propane

cannons.

ANSWER:

No.

18. Has respondent, its attorneys or anyone acting on its behalf had the propane cannons tested examined and / or inspected? If so state:

- A. The date upon which it was tested, examined or inspected;
- B. The name and last known address, title and employee of each person who conducted or was present during such testing, examination or inspection.
- C. The type of test, examination or inspection conducted.
- D. If an oral report was done, give name and last known address of all persons giving and receiving such report or record, and the substance thereof and
- E. If written the date thereof the number of pages thereof, each addressee thereof the name and last known address of each person having possession of each such report or record.

ANSWER:

No.

19 Please state the approximate date the respondent first became aware the operation of its propane cannons were interfering with the complainants' use and enjoyment of their property, along with the health and welfare of their son Michael age 13, who has a sensor neuro hearing loss. Michael their son has been advised by a specialist in the field hearing to avoid being outdoors because the blasts of the cannon cause him pain in his left ear along with a ringing sensation which could cause further damage.

ANSWER:

Objection. Argumentative. Notwithstanding the objection, respondent states that complainants never mentioned their son until after they failed in their quest to hold respondent legally responsible for the loss of a dog.

20. With regard to each and every propane cannon at the respondents Beecher facility (13 W. Corning Rd.) Please state the time of day the cannons are operated, the days of the week and the months during the year.

ANSWER:

From around sun up to around sun down from late July to early November. Occasional days can be skipped. Only rarely are they used on Sundays.

21. Please state whether respondent has ever contacted the noise Division of the Illinois Environmental Protection Agency, either in writing or orally, in order to determine whether the respondent is in violation of any applicable Illinois Environmental Protection Agency regulations regarding noise pollution. If so please state:

- a. The person(s) who respondent spoke to at the IEPA,; and
- b. The dates of said conversations.

ANSWER:

No.

22. What is the annual income for the respondent for farming purposes at his facility located at 13 W. Corning Road, please give income from 1994 up to present date.

ANSWER:

Objection. This proceeding should not be used as an excuse for complainant to delve into private matters. Notwithstanding the objection, respondent answers that the farm is usually operated at a profit, but incurred a loss, due to the crop damage inflicted by crows. in 2000.

23. Has the respondent ever had to claim a crop damage/loss during the past 8 years? If so please state the following:

- A. The year of claims
- B. The type of crop
- C. Reasons for crop loss/damage

ANSWER:

Yes, but not insured, during the year 2000, damage to melons, crows.

24. The respondent states he is a third generation farmer. What methods did the respondent use during his past farming years to deter crows/birds away from his farming of melon crops?

ANSWER:

Objection. Argumentative. Notwithstanding the objection, 2000 was the first year we grew melons because it became (we thought), for a variety of reasons, including prices, profitable to do so. No particular problem with crows. was encountered before 2000.

25. Does the respondent know of anyone within a 25 mile radius who is a produce grower who uses a propane cannon for farming purposes? If so state that persons name and address.

ANSWER:

Other than the person identified in answer to Interrogatory 10, respondent knows of no such person, but also knows of no person within that radius who grows melons.

26. Is the respondent knowledgeable of the adverse effects loud impulsive sounds have the health and welfare of both adults and children? The EPA has set standards and limits on noise this is factual not fiction.

ANSWER:

Objection. Argumentative.

27. Does the respondent feel he does not need to do anything about the cannon noise because he is a farmer, and he has the freedom to do as he wants regardless of the health hazards?

ANSWER:

Objection. Argumentative. Notwithstanding the objection, respondent states that he believes himself to be bound by the law of the State of Illinois.

I have read the foregoing answers to interrogatories, and I know the answers to be true and

correct.

Franklin Fisher

Franklin Fisher

Subscribed and sworn to before me this 7<sup>th</sup> day of October, 2002.

David G. Harding



David G. Harding

David G. Harding  
Lopez & Harding  
Attorneys for Respondent  
Suite 2204, 134 N. LaSalle St.  
Chicago, IL 60602-1121  
(312)782-3039

#### PROOF OF SERVICE BY MAIL

I, David G. Harding, the attorney, certify that I served the foregoing answers to interrogatories by mailing a copy to each person to whom directed and depositing the same in the U.S. mail at 134 North LaSalle Street, Chicago, Illinois at or before 4:00 p.m. on October ~~8~~ 10, 2002, with proper postage pre-paid.

David G. Harding

From: Ronald Stuart and  
Barbara Stuart  
To: The Illinois Pollution Control Board  
Dorothy Gunn, Bradley Halloran

March 23, 2004

Re: PCB 02-164 Citizen Enforcement/Noise :  
Ronald and Barbara Stuart (Complainants) v. Frank and Phyllis Fisher (Respondents)  
CC: David Harding  
Harding and Lopez  
Attorney for Frank Fisher and Phyllis  
CC: Bobby Petrungarro  
Will county States Attorney Office

### **AFFIDAVIT**

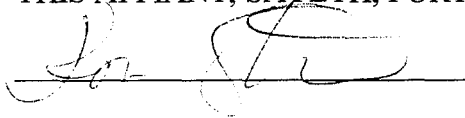
Barbara Stuart and Barbara Stuart  
213 E. Corning Rd.  
Beecher, Illinois 60401  
708-946-9546

We, Ronald Stuart, and Barbara Stuart, being first duly sworn on oath, depose and state as follows:

1. That we live at 213 E. Corning Road, Beecher, Illinois 60401
2. That at the time of our Hearing on March 9, 2004 we were unable to offer this information to the Hearing Officer, Bradley Halloran, regarding PCB 02-164
3. That the Photos enclosed were taken by Barbara Stuart, complainant in the Case 02-164
4. That the area marked on photo #5 with a circle is indeed a location where Barbara Stuart, myself took readings with a Radio Shack meter on multiple occasions which is listed on the log as a offer of proof.
5. That the copies from the Reed Joseph bird control company were obtained from their website.
6. That copies of Watermelon Damage was obtained from an Extension Program.
7. That the copy of the "Answers to Interrogatories" of Frank Fisher, was sent to me by David Harding.
8. That no copies, or photos have been altered.
9. That all comments mentioned in the MOTION TO LEAVE TO SUPPLEMENT THE RECORD were honest and truthful.



THIS AFFIANT, SAYETH, FURTHER NOT

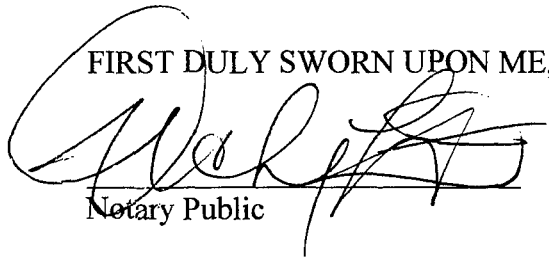


Ronald Stuart



Barbara Stuart

FIRST DULY SWORN UPON ME, this 23 day of March 2004



Notary Public

SEAL

SEAL  
NOTARY PUBLIC  
STATE OF CALIFORNIA

ALL DOCUMENTS WERE PREPARED ON RECYCLED PAPER

From: Ronald Stuart and  
Barbara Stuart  
To: The Illinois Pollution Control Board  
Dorothy Gunn, Bradley Halloran

March 23, 2004

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THIS AFFIANT, SAYETH, FURTHER NOT

*Ronald Stuart*

Ronald Stuart

*Barbara Stuart*

Barbara Stuart

5363-0655-1645

FIRST DULY SWORN UPON ME, this 23 day of March 2004

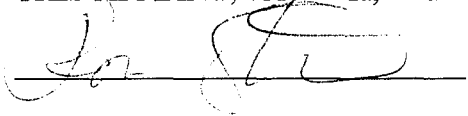
*Vicki L. Pitoe*  
Notary Public

SEAL

"OFFICIAL SEAL"  
VICKI L. PITOE  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 7/14/2005

**ALL DOCUMENTS WERE PREPARED ON RECYCLED PAPER**

THIS AFFIANT, SAYETH, FURTHER NOT

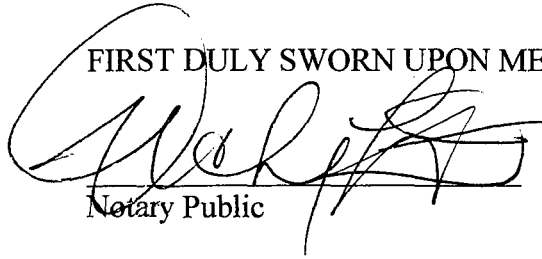


Ronald Stuart



Barbara Stuart

FIRST DULY SWORN UPON ME, this 23 day of March 2004



Notary Public

SEAL

SEAL  
NOTARY PUBLIC  
STATE OF CALIFORNIA