

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Doug and Geri Boyer,

Complainants,

v.

MRB Development, LLC d/b/a
Copper Fire; Renae Eichholz; and
Mark Eichholz,

Respondents.

PCB 22-9

(Enforcement)

COMPLAINANTS' MOTION TO COMPEL DISCOVERY RESPONSES

Complainants Doug and Geri Boyer ("Complainants"), pursuant to the 35 Ill. Adm. Code 101.616 and 101.610(g), move for an Order compelling Respondents MRB Development, LLC d/b/a Copper Fire, Renae Eichholz, and Mark Eichholz (collectively "Respondents") to respond in full to Complainants' First and Second Requests for Production and Interrogatories (collectively, "Complainants' Discovery").

INTRODUCTION

On March 22, 2022, the parties participated in a telephone status conference with the Hearing Officer. Pursuant to the Hearing Officer's Order, the deadline to serve written discovery requests was set for April 22, 2022 with responses due by June 6, 2022. In accordance with the Order, Complainants served their First Set of Interrogatories and First Request for Production on April 4, 2022 and Second Set of Interrogatories and Second Request for Production on April 21, 2022. *See* **Exhibit A**, First Set of Interrogatories and First Requests for Production; **Exhibit B**, Second Set of Interrogatories and Second Request for Production; **Exhibit C**, Certificates of Service for April 4, 2022 and April 21, 2022. In response to Complainants' Discovery requests,

Respondents provided joint written responses to both sets of requests and interrogatories on June 3, 2022. *See Exhibit D*, Respondents' Responses to Complainants' First and Second Requests for Production, Respondents' Answers to Complainants' First Set of Interrogatories, and Respondents' Answers to Complainants' Second Set of Interrogatories.

Respondents' responses to Complainants' reasonable discovery requests are deficient as Respondents failed to fully respond to all discovery. Accordingly, on June 7, 2022, in a reasonable attempt to resolve the discovery issues, Complainants' counsel sent Respondents' counsel a letter outlining these deficiencies, requesting Respondents supplement their responses by June 15, 2022, and inviting counsel to schedule a call to discuss the deficiencies. *See Exhibit E*, June 7, 2022 Good Faith Letter. To date, Respondents have wholly failed to respond in any way to Complainants' good faith attempts to resolve these discovery issues. Thus, Complainants were left with no option but seeking a motion to compel.

APPLICABLE LAW

"All relevant information and information calculated to lead to relevant information is discoverable, excluding those materials that would be protected from disclosure in the courts of [Illinois] under statute, Supreme Court Rules or common law, and materials protected from disclosure under 35 Ill. Adm. Code 130. 35 Ill. Adm. Code 101.616(a). Under Illinois Supreme Court Rule 201(b) the scope of discovery includes full disclosure of all relevant information, except for information which is privileged and therefore protected from disclosure. Under 35 Ill. Adm. Code 101.616, the hearing officer can set all deadlines for discovery and handle all discovery disputes. Pursuant to 35 Ill. Adm. Code 101.610(g), hearing officer may also "[i]ssue an order compelling the answer to interrogatories or response to other discovery requests." Failure to

respond to discovery requests in accordance with a hearing officer's order may also subject the offending party to sanctions. 35 Ill. Adm. Code 101.616(f).

ARGUMENT

Respondents have failed to fully respond in full to Complainants' relevant, non-privileged discovery requests. Therefore, the hearing officer should compel Respondents to fully respond to Complainants' Discovery, and issue appropriate sanctions.

I. Respondents Failed to Respond to Complainants' Reasonable and Relevant Discovery Requests.

While Respondents responded in part to Complainants' Discovery, Respondents have failed to address the remaining deficiencies in their response. Respondents must be compelled to respond. Complainants outline the deficiencies as follows:

Requests Nos. 2 and 3

Requests Nos. 2 and 3 seek all communications between Respondents, Complainants, and/or any third party relating to the allegations in the Complaint and/or defenses set forth in the Answer. This is directly within the scope of discovery permitted under 35 Ill. Adm. Code 101.616(a) and the Illinois Supreme Court Rules. Respondents do not dispute these requests are reasonable and relevant and have lodged no objection. In response, Respondents indicates that "Respondents will arrange for an exchange of text messages." Per the Hearing Officer's Order, responses to Complainants' Discovery were due June 6, 2022. Respondents made no attempt at arranging the exchange of text messages prior to the response deadline. Further, it has been over one month since the deadline, and Respondents have made no attempt to exchange the text messages.

Request No. 11

Request No. 11 asks Respondents to produce all reviews “mentioning, referring, or relating to sound and/or noise in or around Copper Fire.” Respondents do not contest the request is relevant and have lodged no objection. In response, Respondents stated that of the reviews they identified “none . . . suggest the restaurant is too loud.” Request No. 11, however, does not ask for Respondents’ opinion or evaluation the reviews, but that they produce all reviews mentioning or relating to sound or noise. This request is directly related to Complainants’ action as this matter centers around Respondents’ violations noise regulations. Thus, any review relating to noise or sound at Copper Fire is relevant and must be produced.

Interrogatory No. 2

Interrogatory No. 2 asks Respondents to identify all persons known to them with knowledge of the facts in the Complaint, including their address, phone number, occupation, title, and a description of the subject matter of the person’s knowledge. This interrogatory is relevant as those individuals with knowledge of the facts in the Complaint may possess relevant information and may be a witness in this action. Respondents also do not dispute this interrogatory is relevant and have lodged no objection. In response to Interrogatory No. 2, Respondents identify a list of individuals, but fail to provide their contact information, occupation, title, or any information regarding the subject matter of the person’s knowledge. Thus, Complainants are left with no way on contacting these individuals or determining whether they have relevant and necessary information.

Interrogatory No. 9 and Request No. 10

Finally, Interrogatory No. 9 and Request No. 10 seek information regarding the name of every band and performer at Copper Fire from January 1, 2020 to present, including the dates and

time of the performance, the number of performers, the types of instruments, whether the performance occurred inside or outside, a description of the style of music, and the band or performer's contact information. This information is necessary and relevant to this dispute which is centers around noise violations from Copper Fire. Further, Respondents, once again, do not dispute this information is relevant and have lodged no objection. In response to Interrogatory No. 9 and Request No. 10, Respondents produced a spreadsheet listing the musicians who have played at Copper Fire from June 6, 2020 to April 1, 2022. *See Exhibit F*, Spreadsheet Produced by Respondents. While some of the dates have notes indicating the times the musicians played, this spreadsheet is deficient, as it does not provide musicians for the entire relevant time period, and it does not provide all the specific information requested in Interrogatory No. 9 and Request No. 10.

The above-outlined deficiencies were sent to Respondents' counsel by letter on June 7, 2022. *See Exhibit E*. Respondents completely ignored Complainants' June 7, 2022 letter. Respondents have failed to respond to Complainants' Discovery and failed to respond to Complainants' June 7, 2022 Good Faith letter without substantial justification for noncompliance. Complainants are thus entitled to an order compelling Respondents to respond.

II. The Hearing Officer May Issue Sanctions for Respondents Failure to Comply with Complainants Reasonable Discovery Requests.

"Failure to comply with *any* order regarding discovery may subject the offending person to sanctions under Subpart H." 35 Ill. Adm. Code 101.616(f). Pursuant to the Hearing Officer's Order from the March 22, 2022 telephone status conference, responses to all written discovery requests were due by June 6, 2022. Over one month has passed since this deadline and Respondents have failed to comply with the Order. Accordingly, the Hearing Officer may and should sanction Respondents for their failure to comply as they have burdened Complainants and forced them to bring this motion.

CONCLUSION

WHEREFORE, Complainants respectfully asks for an Order granting its Motion to Compel, ordering Respondents to fully respond to Complainants' Discovery within 15 days of the Order, for Respondents to be appropriately sanctioned, and for other and further relief as deemed just and proper.

Dated: July 11_, 2022

LATHROP GPM LLP

/s/ Matthew A. Jacober

Matthew Jacober (IL #6256140)

7701 Forsyth Boulevard

Suite 500

Clayton, MO 63105

(314) 613-2845

Matthew.Jacobер@LathropGPM.com

Brooke Robbins (#MN #401904)

500 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 632-3472

Brooke.Robbins@LathropGPM.com

**ATTORNEY FOR COMPLAINANTS
DOUG AND GERI BOYER**

CERTIFICATE OF SERVICE

It is hereby certified that true and correct copies of the foregoing was served via email on July 11, 2022, upon the following:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

/s/ Matthew A. Jacober

Matthew Jacober

EXHIBIT A

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DOUG and GERI BOYER,

Complainants,

v.

MRB DEVELOPMENT, LLC d/b/a
COPPER FIRE; RENAE EICHHOLZ; and
MARK EICHHOLZ,

Respondents.

PCB 22-9

(Enforcement)

COMPLAINANTS' FIRST SET OR INTERROGATORIES TO RESPONDENTS

Complainants Doug and Geri Boyer ("the Boyers") by and through their undersigned attorneys, hereby propound their First Set of Interrogatories directed to Respondents MRB Development, LLC ("MRB"), and Renae and Mark Eichholz ("the Eichholz") (collectively, "Respondents"), as follows:

GENERAL INSTRUCTIONS

- A. An answer or other appropriate response must be given to each interrogatory.
- B. Please make each Answer as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, please answer it to the extent possible.
- C. Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If a document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

D. Please re-type each interrogatory immediately before your response for convenience.

E. Each interrogatory must be answered separately and fully in writing by Respondents, unless it is objected to, in which event counsel for Respondents shall state the reasons for and shall answer to the extent not objectionable.

F. These discovery requests are continuing and must be supplemented in a timely and reasonable manner in the event any undisclosed information comes to the attention, possession, custody, or control of the answering party subsequent to the filing of responses hereto.

DEFINITIONS

A. “Complaint” means the Complaint filed in this action and any amendments or supplements thereto.

B. “You,” “Your,” “Respondents,” “MRB,” or “the Eichholz” means Respondent(s) in this action, MRB Development, LLC and Renae and Mark Eichholz, and everyone acting at Your direction or on Your behalf.

C. The “Boyer Residence and Offices” refers to the property located at 208 East Main Street, Belleville, St. Clair County, Illinois 62220, including the first floor which is leased to Kaskaskia Engineering Group, LLC and the upper floors containing eight residential lofts.

D. “Copper Fire Bar/Restaurant,” or “Copper Fire” refers to Respondents’ bar/restaurant located at 200 East Main Street, Belleville, St. Clair County, Illinois 62220.

E. “Communication” includes, but is not limited to, any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written, oral or electronic, and including without limitation

all discussions, meetings, telephone or radio communications, email, text messages, or messages through social media channels.

F. “Documents” and “records” means the complete original and any non-identical copy (whether different from the original because of changes, notations, markings, or stamps, on the copy of otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, graphic, electronic or other media of every type and description, however and by whomever prepared, produced, disseminated or made, including any electronically stored information, emails, films, videos, pictures, photographs, data, papers, letters, correspondence, memoranda, faxes, inter-office communications, spreadsheets, telegrams, statements, affidavits, pleadings, stenographic or handwritten notes, notations, notebooks, reports, receipts, contracts, files, screen shot, indexes, maps, tabulations, outlines, power points, scripts, diaries, logs, journals, agendas, minutes, code books, labels, invoices, instructions, manuals, books, calendars, schedules, diagrams, studies, publications, pamphlets, drawings, schematics, graphs, charts, tax forms, forms, microfilms, microfiche, computations, tapes, printouts, and any other form of media.

G. “Evidence,” “evidencing,” “relating,” “regarding,” “supporting,” or any conjugation thereof mean consisting of, referring to, reflecting, concerning, relating to, or being in any way logically or factually connected with the matter discussed.

INTERROGATORIES

1. Please states:
 - a. The name, address, and phone number of the person or persons answering these interrogatories;
 - b. His/her relationship to You; and
 - c. His/her position of employment.
2. Identify all persons, known to You, who have information or knowledge with respect to any factual matters related to any of the allegations in the Complaint and/or the defenses

set forth in Your Answer. Include the address, telephone number, occupation, and title or position for each person listed and a description of the subject matter of the person's knowledge.

3. State whether written or recorded statements have been obtained from any persons mentioned in the answer to Interrogatory No. 2 above with regard to the facts or circumstances surrounding the allegations in the Complaint and/or defenses set forth in Your Answer. If so, state the name, address, employer, and job title of the persons presently having control or custody of such statements.

4. Identify all communications, whether written, oral or electronic, between You and any party to this Litigation or third party (except communications with counsel) related to the allegations in the Complaint and/or defenses set forth in Your Answer including:

- a. The approximate date of the communication;
- b. The parties to the communication;
- c. The form of the communication, whether written, electronic or oral;
- d. If oral, a brief description of the content of the communication; and
- e. If written or electronic, produce copies of the communication(s) with your response.

5. Identify every complaint, protest, grievance, criticism, warning, and/or charge you have received in relation to noise or sound emanated from Copper Fire from January 2020 to present, including: (a) the date of the complaint; (b) the nature of the complaint; (c) the person(s) complaining and/or source of the complaint; (d) if any music or band was playing at Copper Fire at the time of the complaint, and, if so, the name of the band or performer and a description of the music being played; (e) the time of the complaint; (f) whether you took any actions to remediate and/or decrease sound in response to the complaint (if yes, describe remediation efforts); and (g) whether any there is any document or communication evidencing the complaint, protest, grievance, criticism, and/or charge.

6. Identify every remedial effort You have taken to address concerns, complaints, protests, grievances, criticisms, warnings and/or charges regarding noise and/or sound emanating from Copper Fire from January 2020 to present. For each, include the date and time each remediation effort was completed, and state if the effort was/is permanent.

7. Identify each of the “many changes” You alleged in Your Answer to Paragraph 17 of the Complaint. For each, include the date and time of each change and state whether the change was/is permanent.

8. Identify each of the changes You have implemented since the Boyers’ sound testing was conducted, as asserted in Your second Affirmative Defense. For each, include the date and time each change was completed, and if the change was/is permanent.

9. Identify every band or performer that has played at Copper Fire from January 2020 to present. For each, provide:

- a. The name of the band or performer;
- b. The date(s) they performed;
- c. The time(s) they performed;
- d. The number of performers in each;
- e. The types of instruments played;
- f. Whether the performance occurred inside or outside Copper Fire;
- g. A description of the style of music played; and
- h. The contact information for the band or performer.

10. Identify every written or oral noise and/or sound complaints, warnings, protests, grievances, criticisms, and/or charges You have received or have been issued to You and/or Copper Fire from January 2020 to present, including:

- a. The approximate date;
- b. The parties lodging the complaint;
- c. The form of the communication, whether written, electronic or oral;
- d. If oral, a brief description of the content of the communications that occurred; and
- e. If written or electronic, produce copies of the communication(s) with your response.

Dated: April 4, 2022

LATHROP GPM LLP

/s/Matthew Jacober

Matthew Jacober (IL #6256140)

7701 Forsyth Boulevard

Suite 500

Clayton, MO 63105

(314) 613-2845

Matthew.Jacober@LathropGPM.com

Brooke Robbins (MN #401904)

500 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 632-3472

Brooke.Robbins@LathropGPM.com

ATTORNEY FOR COMPLAINANTS

DOUG AND GERI BOYER

CERTIFICATE OF SERVICE

It is hereby certified that true and correct copies of the foregoing Appearance were served via email on April 4, 2022, upon the following:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

/s/Matthew Jacober
Matthew Jacober

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DOUG and GERI BOYER,

Complainants,

v.

MRB DEVELOPMENT, LLC d/b/a
COPPER FIRE; RENAE EICHHOLZ; and
MARK EICHHOLZ,

Respondents.

PCB 22-9

(Enforcement)

**COMPLAINANTS' FIRST REQUEST FOR PRODUCTION DIRECTED TO
RESPONDENTS**

Complainants Doug and Geri Boyer ("the Boyers") by and through their undersigned attorneys, hereby propound their First Request for Production directed to Respondents MRB Development, LLC ("MRB"), and Renae and Mark Eichholz ("the Eichholz") (collectively, "Respondents"), as follows:

DEFINITIONS

A. "Complaint" means the Complaint filed in this action and any amendments or supplements thereto.

B. "You," "Your," "Respondents," "MRB," or "the Eichholz" means Respondent(s) in this action, MRB Development, LLC and Renae and Mark Eichholz, and everyone acting at Your direction or on Your behalf.

C. The "Boyer Residence and Offices" refers to the property located at 208 East Main Street, Belleville, St. Clair County, Illinois 62220, including the first floor which is leased to Kaskaskia Engineering Group, LLC and the upper floors containing eight residential lofts.

D. “Copper Fire Bar/Restaurant,” or “Copper Fire” refers to Respondents’ bar/restaurant located at 200 East Main Street, Belleville, St. Clair County, Illinois 62220.

E. “Communication” includes, but is not limited to, any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written, oral or electronic, and including without limitation all discussions, meetings, telephone or radio communications, email, text messages, or messages through social media channels.

F. “Documents” and “records” means the complete original and any non-identical copy (whether different from the original because of changes, notations, markings, or stamps, on the copy of otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, graphic, electronic or other media of every type and description, however and by whomever prepared, produced, disseminated or made, including any electronically stored information, emails, films, videos, pictures, photographs, data, papers, letters, correspondence, memoranda, faxes, inter-office communications, spreadsheets, telegrams, statements, affidavits, pleadings, stenographic or handwritten notes, notations, notebooks, reports, receipts, contracts, files, screen shot, indexes, maps, tabulations, outlines, power points, scripts, diaries, logs, journals, agendas, minutes, code books, labels, invoices, instructions, manuals, books, calendars, schedules, diagrams, studies, publications, pamphlets, drawings, schematics, graphs, charts, tax forms, forms, microfilms, microfiche, computations, tapes, printouts, and any other form of media.

G. “Evidence,” “evidencing,” “relating,” “regarding,” “supporting,” or any conjugation thereof mean consisting of, referring to, reflecting, concerning, relating to, or being in any way logically or factually connected with the matter discussed.

INSTRUCTIONS

A. These discovery requests are to be responded to in detail. If You cannot respond to a discovery request in full, it must be responded to the extent possible, and an explanation provided for Your inability to respond to the discovery request more fully.

B. If You object to any of the Definitions or Instructions herein, You must do so by written response hereto. If said written response to a Definition or Instruction is not made prior to Your response to these discovery requests, it will be presumed that You do not object to any Definition or Instruction.

C. All documents are to be produced as they are kept in the usual course of business with any labels, file markings, or similar identifying features, or shall be organized and labeled or Bates stamped to correspond to the categories requested herein. If there are no documents in response to a particular request, or if you are without any responsive documents or categories of documents based on any objections, You shall state so in writing.

D. Electronically stored information (ESI) is to be produced in its original native format including its accompanying metadata with corresponding load files.

E. These requests call for the production of all responsive documents or tangible things in Your possession, custody, or control.

F. In responding to these requests, include documents or things obtained on Your behalf by Your counsel, employees, agents, or any other persons acting on Your behalf. If Your response is that the requested item is not within Your possession or custody, describe in detail the unsuccessful efforts You made to locate each such item. If Your response is that the requested item is not under Your control, identify who has control and the location of each requested item.

G. If any document or tangible thing was, but no longer is, in Your possession, custody, or control, or in existence, include a statement: (a) identifying the item; (b) describing where the item is now; (c) identifying who has control of the item; (d) describing how the item became lost or destroyed or was transferred; and (e) identifying each of those persons responsible for or having knowledge of the loss, destruction, or transfer of the requested item from Your possession, custody, or control.

H. Each request contemplates production of all documents in their entirety. If a portion of a document is response to one or more requests, the document shall be produced in its entirety.

I. With respect to any information which You deem privileged (or otherwise protected from disclosure) which is response to any discovery request, provide a written statement setting forth as to each document the date that You obtained such document or information, the recipients of such information, a summary of the nature of the privilege (including work product) which is being claimed and, if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state's privilege rule being invoked. The remainder of the discovery request must be responded to.

J. To the extent You assert that a document contains both information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine, or another protection), and non-privileged information, the non-privileged portions of the item must be produced. For each such document, indicate the portion of the document withheld with notation on the document in an appropriate location that does not obscure the remaining text.

K. If You object to any document request on any other ground other than privilege, You must specify: (a) the part of the request that is objectionable and respond to and allow

inspection of materials responsive to the remainder of the request; and (b) whether any responsive materials are being withheld on the bases of an objection.

L. These discovery requests are deemed to be continuing, and You are required to promptly supplement Your answers to these discovery requests as further information called for by these discovery requests becomes available to You or is within Your knowledge.

REQUESTS FOR PRODUCTION

1. Produce all documents identified by You in Your answers to Complainants' First Set of Interrogatories directed to You.

2. Produce all written and electronic communications between You and the Boyers regarding the allegations in the Complaint and/or the defenses set forth in Your Answer.

3. Produce all written and electronic communications between You and any party to this Litigation or any other third parties (except communications with counsel) regarding the allegations in the Complaint and/or defenses set forth in Your Answer.

4. Produce all documents, communications, and recordings evidencing the sound and/or noise emanating from Copper Fire from January 2020 to present.

5. Produce all documents, communications, reports, and studies on the noise and/or sound levels emanating from Copper Fire that You have procured or obtained.

6. Produce all documents and communications evidencing all sound complaints, concerns, warnings, protests, grievances, criticisms, and/or charges received and/or issued to You and/or Copper Fire from January 2020 to present.

7. Produce all documents and communications regarding any efforts taken or explored for sound proofing or deafening at Copper Fire, including all completed efforts and inquiries into potential options for sound proofing or deafening.

8. Produce all documents and communications regarding Your alleged “many changes” that were made as alleged in Your Answer to Paragraph 17 of the Complaint.

9. Produce all documents and communications evidencing changes You have implemented since the sound testing was conducted as asserted in Your second Affirmative Defense.

10. Provide a list of all bands and performers that have played at Copper Fire from January 2020 to present, including the number of performers, date and time of performance, style of music, types of instruments played, whether the performance occurred inside or outside Copper First, and the contact information for each band.

Dated: April 4, 2022

LATHROP GPM LLP

/s/Matthew Jacober

Matthew Jacober (IL #6256140)

7701 Forsyth Boulevard

Suite 500

Clayton, MO 63105

(314) 613-2845

Matthew.Jacobер@LathropGPM.com

Brooke Robbins (MN #401904)

500 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 632-3472

Brooke.Robbins@LathropGPM.com

**ATTORNEY FOR COMPLAINANTS
DOUG AND GERI BOYER**

CERTIFICATE OF SERVICE

It is hereby certified that true and correct copies of the foregoing Appearance were served via email on April 4th, 2022, upon the following:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

/s/Matthew Jacober

Matthew Jacober

EXHIBIT B

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DOUG and GERI BOYER,

Complainants,

v.

MRB DEVELOPMENT, LLC d/b/a
COPPER FIRE; RENAE EICHHOLZ; and
MARK EICHHOLZ,

Respondents.

PCB 22-9

(Enforcement)

COMPLAINANTS' SECOND SET OF INTERROGATORIES TO RESPONDENTS

Complainants Doug and Geri Boyer ("the Boyers") by and through their undersigned attorneys, hereby propound their Second Set of Interrogatories directed to Respondents MRB Development, LLC ("MRB"), and Renae and Mark Eichholz ("the Eichholz") (collectively, "Respondents"), as follows:

GENERAL INSTRUCTIONS

- A. An answer or other appropriate response must be given to each interrogatory.
- B. Please make each Answer as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, please answer it to the extent possible.
- C. Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If a document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

D. Please re-type each interrogatory immediately before your response for convenience.

E. Each interrogatory must be answered separately and fully in writing by Respondents, unless it is objected to, in which event counsel for Respondents shall state the reasons for and shall answer to the extent not objectionable.

F. These discovery requests are continuing and must be supplemented in a timely and reasonable manner in the event any undisclosed information comes to the attention, possession, custody, or control of the answering party subsequent to the filing of responses hereto.

DEFINITIONS

A. “Complaint” means the Complaint filed in this action and any amendments or supplements thereto.

B. “You,” “Your,” “Respondents,” “MRB,” or “the Eichholz” means Respondent(s) in this action, MRB Development, LLC and Renae and Mark Eichholz, and everyone acting at Your direction or on Your behalf.

C. The “Boyer Residence and Offices” refers to the property located at 208 East Main Street, Belleville, St. Clair County, Illinois 62220, including the first floor which is leased to Kaskaskia Engineering Group, LLC and the upper floors containing eight residential lofts.

D. “Copper Fire Bar/Restaurant,” or “Copper Fire” refers to Respondents’ bar/restaurant located at 200 East Main Street, Belleville, St. Clair County, Illinois 62220.

E. “Communication” includes, but is not limited to, any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written, oral or electronic, and including without limitation

all discussions, meetings, telephone or radio communications, email, text messages, or messages through social media channels.

F. “Documents” and “records” means the complete original and any non-identical copy (whether different from the original because of changes, notations, markings, or stamps, on the copy of otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, graphic, electronic or other media of every type and description, however and by whomever prepared, produced, disseminated or made, including any electronically stored information, emails, films, videos, pictures, photographs, data, papers, letters, correspondence, memoranda, faxes, inter-office communications, spreadsheets, telegrams, statements, affidavits, pleadings, stenographic or handwritten notes, notations, notebooks, reports, receipts, contracts, files, screen shot, indexes, maps, tabulations, outlines, power points, scripts, diaries, logs, journals, agendas, minutes, code books, labels, invoices, instructions, manuals, books, calendars, schedules, diagrams, studies, publications, pamphlets, drawings, schematics, graphs, charts, tax forms, forms, microfilms, microfiche, computations, tapes, printouts, and any other form of media.

G. “Evidence,” “evidencing,” “relating,” “regarding,” “supporting,” or any conjugation thereof mean consisting of, referring to, reflecting, concerning, relating to, or being in any way logically or factually connected with the matter discussed.

INTERROGATORIES

11. Identify any reviews of Copper Fire that were deleted or removed by You or any of your agents, employees, or anyone acting at Your direction or control from January 1, 2020 to present. For each deleted or removed review state: (a) the content of the review; (b) date of the review; (c) why the review was removed; and (d) website, location, or source of the review, including, but not limited to Yelp, TripAdvisor, Facebook, and Google.

Dated: April 21, 2022

LATHROP GPM LLP

/s/Matthew Jacober

Matthew Jacober (IL #6256140)

7701 Forsyth Boulevard

Suite 500

Clayton, MO 63105

(314) 613-2845

Matthew.Jacobер@LathropGPM.com

Brooke Robbins (MN #401904)

500 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 632-3472

Brooke.Robbins@LathropGPM.com

ATTORNEY FOR COMPLAINANTS

DOUG AND GERI BOYER

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Complainant's Second Set of Interrogatories Directed to Respondents was served via email on April 21, 2022, upon the following:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

/s/Matthew Jacober
Matthew Jacober

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DOUG and GERI BOYER,

Complainants,

v.

MRB DEVELOPMENT, LLC d/b/a
COPPER FIRE; RENAE EICHHOLZ; and
MARK EICHHOLZ,

Respondents.

PCB 22-9

(Enforcement)

**COMPLAINANTS' SECOND REQUEST FOR PRODUCTION DIRECTED TO
RESPONDENTS**

Complainants Doug and Geri Boyer ("the Boyers") by and through their undersigned attorneys, hereby propound their Second Request for Production directed to Respondents MRB Development, LLC ("MRB"), and Renae and Mark Eichholz ("the Eichholz") (collectively, "Respondents"), as follows:

DEFINITIONS

A. "Complaint" means the Complaint filed in this action and any amendments or supplements thereto.

B. "You," "Your," "Respondents," "MRB," or "the Eichholz" means Respondent(s) in this action, MRB Development, LLC and Renae and Mark Eichholz, and everyone acting at Your direction or on Your behalf.

C. The "Boyer Residence and Offices" refers to the property located at 208 East Main Street, Belleville, St. Clair County, Illinois 62220, including the first floor which is leased to Kaskaskia Engineering Group, LLC and the upper floors containing eight residential lofts.

D. “Copper Fire Bar/Restaurant,” or “Copper Fire” refers to Respondents’ bar/restaurant located at 200 East Main Street, Belleville, St. Clair County, Illinois 62220.

E. “Communication” includes, but is not limited to, any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written, oral or electronic, and including without limitation all discussions, meetings, telephone or radio communications, email, text messages, or messages through social media channels.

F. “Documents” and “records” means the complete original and any non-identical copy (whether different from the original because of changes, notations, markings, or stamps, on the copy of otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, graphic, electronic or other media of every type and description, however and by whomever prepared, produced, disseminated or made, including any electronically stored information, emails, films, videos, pictures, photographs, data, papers, letters, correspondence, memoranda, faxes, inter-office communications, spreadsheets, telegrams, statements, affidavits, pleadings, stenographic or handwritten notes, notations, notebooks, reports, receipts, contracts, files, screen shot, indexes, maps, tabulations, outlines, power points, scripts, diaries, logs, journals, agendas, minutes, code books, labels, invoices, instructions, manuals, books, calendars, schedules, diagrams, studies, publications, pamphlets, drawings, schematics, graphs, charts, tax forms, forms, microfilms, microfiche, computations, tapes, printouts, and any other form of media.

G. “Evidence,” “evidencing,” “relating,” “regarding,” “supporting,” or any conjugation thereof mean consisting of, referring to, reflecting, concerning, relating to, or being in any way logically or factually connected with the matter discussed.

INSTRUCTIONS

A. These discovery requests are to be responded to in detail. If You cannot respond to a discovery request in full, it must be responded to the extend possible, and an explanation provided for Your inability to respond to the discovery request more fully.

B. If You object to any of the Definitions or Instructions herein, You must do so by written response hereto. If said written response to a Definition or Instruction is not made prior to Your response to these discovery requests, it will be presumed that You do not object to any Definition or Instruction.

C. All documents are to be produced as they are kept in the usual course of business with any labels, file markings, or similar identifying features, or shall be organized and labeled or Bates stamped to correspond to the categories requested herein. If there are no documents in response to a particular request, or if you are without any responsive documents or categories of documents based on any objections, You shall state so in writing.

D. Electronically stored information (ESI) is to be produced in its original native format including its accompanying metadata with corresponding load files.

E. These requests call for the production of all responsive documents or tangible things in Your possession, custody, or control.

F. In responding to these requests, include documents or things obtained on Your behalf by Your counsel, employees, agents, or any other persons acting on Your behalf. If Your response is that the requested item is not within Your possession or custody, describe in detail the unsuccessful efforts You made to locate each such item. If Your response is that the requested item is not under Your control, identify who have control and the location of each requested item.

G. If any document or tangible thing was, but no longer is, in Your possession, custody, or control, or in existence, include a statement: (a) identifying the item; (b) describing where the item is now; (c) identifying who has control of the item; (d) describing how the item became lost or destroyed or was transferred; and (e) identifying each of those persons responsible for or having knowledge of the loss, destruction, or transfer of the requested item from Your possession, custody, or control.

H. Each request contemplates production of all documents in their entirety. If a portion of a document is response to one or more requests, the document shall be produced in its entirety.

I. With respect to any information which You deem privileged (or otherwise protected from disclosure) which is response to any discovery request, provide a written statement setting forth as to each document the date that You obtained such document or information, the recipients of such information, a summary of the nature of the privilege (including work product) which is being claimed and, if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state's privilege rule being invoked. The remainder of the discovery request must be responded to.

J. To the extent You assert that a document contains both information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine, or another protection), and non-privileged information, the non-privileged portions of the item must be produced. For each such document, indicate the portion of the document withheld with notation on the document in an appropriate location that does not obscure the remaining text.

K. If You object to any document request on any other ground other than privilege, You must specify: (a) the part of the request that is objectionable and respond to and allow

inspection of materials responsive to the remainder of the request; and (b) whether any responsive materials are being withheld on the bases of an objection.

L. These discovery requests are deemed to be continuing, and You are required to promptly supplement Your answers to these discovery requests as further information called for by these discovery requests becomes available to You or is within Your knowledge.

REQUESTS FOR PRODUCTION

11. Produce any written or electronic reviews of Copper Fire mentioning, referring, or relating to sound and/or noise in or around Copper Fire from January 1, 2020 to present.

Dated: April 21, 2022

LATHROP GPM LLP

/s/Matthew Jacober

Matthew Jacober (IL #6256140)

7701 Forsyth Boulevard

Suite 500

Clayton, MO 63105

(314) 613-2845

Matthew.Jacobер@LathropGPM.com

Brooke Robbins (MN #401904)

500 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 632-3472

Brooke.Robbins@LathropGPM.com

**ATTORNEY FOR COMPLAINANTS
DOUG AND GERI BOYER**

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Complainant's Second Request for Production Directed to Respondents was served via email on April 21, 2022, upon the following:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

/s/Matthew Jacober
Matthew Jacober

EXHIBIT C

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DOUG and GERI BOYER,

Complainants,

v.

MRB DEVELOPMENT, LLC d/b/a
COPPER FIRE; RENAE EICHHOLZ; and
MARK EICHHOLZ,

Respondents.

PCB 22-9

(Enforcement)

CERTIFICATE OF SERVICE

The undersigned hereby certifies true and correct copies of Complainants Doug and Geri Boyer's First Set of Interrogatories and First Request for Production of Documents Directed to Respondents MRB Development, LLC d/b/a Copper Fire, Renae Eichholz and Mark Eichholz were served via email, in Word and pdf format, on April 4, 2022, upon the following counsel of record:

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

with copies to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Dated: April 6, 2022

LATHROP GPM LLP

/s/Matthew Jacober

Matthew Jacober (IL #6256140)
7701 Forsyth Boulevard
Suite 500
Clayton, MO 63105
(314) 613-2845
Matthew.Jacob@LathropGPM.com

Brooke Robbins (MN #401904)
500 IDS Center
80 South 8th Street
Minneapolis, MN 55402
(612) 632-3472
Brooke.Robbins@LathropGPM.com

**ATTORNEY FOR COMPLAINANTS
DOUG AND GERI BOYER**

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Certificate of Service was served via U.S. Mail on April 6th, 2022, upon the following:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

/s/Matthew Jacober

Matthew Jacober

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DOUG and GERI BOYER,

Complainants,

v.

MRB DEVELOPMENT, LLC d/b/a
COPPER FIRE; RENAE EICHHOLZ; and
MARK EICHHOLZ,

Respondents.

PCB 22-9

(Enforcement)

CERTIFICATE OF SERVICE

The undersigned hereby certifies true and correct copies of Complainants Doug and Geri Boyer's Second Set of Interrogatories and Second Request for Production of Documents Directed to Respondents MRB Development, LLC d/b/a Copper Fire, Renae Eichholz and Mark Eichholz were served via email, in Word and pdf format, on April 21, 2022, upon the following counsel of record:

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

with copies to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Dated: April 21, 2022

LATHROP GPM LLP

/s/Matthew Jacober

Matthew Jacober (IL #6256140)

7701 Forsyth Boulevard

Suite 500

Clayton, MO 63105

(314) 613-2845

Matthew.Jacobер@LathropGPM.com

Brooke Robbins (MN #401904)

500 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 632-3472

Brooke.Robbins@LathropGPM.com

ATTORNEY FOR COMPLAINANTS

DOUG AND GERI BOYER

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Certificate of Service was served via U.S. Mail and email on April 21, 2022, upon the following:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794
Carol.Webb@illinois.gov

Don Brown
Clerk of Board
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

Paul E. Petruska
Greensfelder, Hemker and Gale, PC
12 Wolf Creek Drive
Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com
Attorneys for Respondents

/s/Matthew Jacober

Matthew Jacober

EXHIBIT D

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Doug and Geri Boyer,)	
)	
Complainants,)	
)	PCB #22-9
v.)	
)	(Enforcement)
MRB Development, LLC d/b/a)	
Copper Fire, Renae Eichholz, and)	
Mark Eichholz)	
)	
Respondents)	

RESPONDENTS' JOINT RESPONSES TO COMPLAINTS FIRST AND SECOND
REQUEST FOR PRODUCTION OF DOCUMENTS

Comes Now, Respondents MRB Development, LLC d/b/a Copper Fire, Renae Eichholz and Mark Eichholz, by and through their undersigned attorney, and hereby responds to Complainants' First and Second Request for Production of Documents.

REQUESTS FOR PRODUCTION

1. Produce all documents identified by You in Your answers to Complainants' First Set of Interrogatories directed to You.

RESPONSE: Respondents are producing the following:

- February 2022 police report showing no noise violation
- Spreadsheets of musicians and band who have appeared
- May 14, 2021, Belleville Speaks posts
- Pictures of readings on NIOSH app on June 11 and June 13
- 6 emails mentioned in answer to Rog 4
- June 11, 2021, email from Respondents' attorney to Boyer's attorney
- Copy of sign posted inside restaurant for musicians
- Respondents will arrange for an exchange of texts messages.

2. Produce all written and electronic communications between You and the Boyers regarding the allegations in the Complaint and/or the defenses set forth in Your Answer.

RESPONSE: The emails are being produced and Respondents will arrange for an exchange of text messages.

3. Produce all written and electronic communications between You and any party to this Litigation or any other third parties (except communications with counsel) regarding the allegations in the Complaint and/or defenses set forth in Your Answer.

RESPONSE: Respondents will arrange an exchange of text messages, including messages from Alderpersons having a pleasant experience at Copper Fire.

4. Produce all documents, communications, and recordings evidencing the sound and/or noise emanating from Copper Fire from January 2020 to present.

RESPONSE: Respondents have the report from Complaints and has some pictures of readings from the iPhone at issue. All other readings to date were visual observations at specific times and not recorded in any way. Finally, Respondents have copies of reviews of Complainants Bed and Breakfast rental showing how amazingly quiet it is.

5. Produce all documents, communications, reports, and studies on the noise and/or sound levels emanating from Copper Fire that You have procured or obtained.

RESPONSE: None at this time beyond the response to request 4.

6. Produce all documents and communications evidencing all sound complaints, concerns, warnings, protests, grievances, criticisms, and/or charges received and/or issued to You and/or Copper Fire from January 2020 to present.

RESPONSE: To the best of Respondents information and belief, all complaints, concerns, warnings, protests, grievances and criticisms that are in a document or producible form come from the Complainants.

7. Produce all documents and communications regarding any efforts taken or explored for sound proofing or deafening at Copper Fire, including all completed efforts and inquisitions into potential options for sound proofing or deafening.

RESPONSE: Please see the pictures of readings on the NIOSH app, the June 11 email and the sign for musicians produced herewith.

8. Produce all documents and communications regarding Your alleged “many changes” that were made as alleged in Your Answer to Paragraph 17 of the Complaint.

RESPONSE: Please see the pictures of readings on the NIOSH app, the June 11 email and the sign for musicians produced herewith.

9. Produce all documents and communications evidencing changes You have implemented since the sound testing was conducted as asserted in Your second Affirmative Defense.

RESPONSE: Please see the pictures of readings on the NIOSH app, the June 11 email and the sign for musicians produced herewith.

10. Provide a list of all bands and performers that have played at Copper Fire from January 2020 to present, including the number of performers, date and time of performance, style of music, types of instruments played, whether the performance occurred inside or outside Copper First, and the contact information for each band.

RESPONSE: Please see the spreadsheet produced herewith.

11. Produce any written or electronic reviews of Copper Fire mentioning, referring, or relating to sound and/or noise in or around Copper Fire from January 1, 2020, to present.

RESPONSE: As of today, there are 26 reviews of Copper Fire on Trip Advisor, over 100 reviews on Yelp, and 296 review on Facebook. Of those reviews, none from January 1, 2020, to present suggest the restaurant is too loud.

Respectfully submitted,

Dated: June 3, 2022

GREENSFELDER, HEMKER & GALE, P.C.



Paul Petruska, #6231202
ppetruska@greensfelder.com
12 Wolf Creek Drive, Suite 100
Belleville, IL 62226
Ph: (618) 257-7308
Fax: (618) 257-7353

Attorneys for MRB Development, LLC
d/b/a Copper Fire, Renae Eichholz, and
Mark Eichholz

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the 3rd date of June 2022 the attached responses to requests for production upon the following person by emailing the document to:

Matthew A. Jacober
Brooke Robbins
Lathrop GPM LLP
7701 Forsyth Boulevard
Suite 500
Clayton, MO 63105
*Attorneys for Complainants,
Doug and Geri Boyer*



Paul E. Petruska

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Doug and Geri Boyer,)	
)	
Complainants,)	
)	PCB #22-9
v.)	
)	(Enforcement)
MRB Development, LLC d/b/a)	
Copper Fire, Renae Eichholz, and)	
Mark Eichholz)	
)	
Respondents.)	

RESPONDENTS' JOINT ANSWERS TO COMPLAINANTS' FIRST SET OF INTERROGATORIES

Comes Now, Respondents MRB Development, LLC d/b/a Copper Fire, Renae Eichholz and Mark Eichholz, by and through their undersigned attorney, and hereby answer Complainants' First Set of Interrogatories.

INTERROGATORIES

1. Please states:

- a. The name, address, and phone number of the person or persons answering these interrogatories;
- b. His/her relationship to You; and
- c. His/her position of employment.

ANSWER: Renae Eichholz is answering for all three Respondents with the assistance of her attorney. Renae is one of three members of MRB Development, LLC d/b/a Copper Fire.

2. Identify all persons, known to You, who have information or knowledge with respect to any factual matters related to any of the allegations in the Complaint and/or the defenses set forth in Your Answer. Include the address, telephone number, occupation, and title or position for each person listed and a description of the subject matter of the person's knowledge.

ANSWER: Respondents will disclose all fact witnesses as required. To answer this interrogatory directly, the only persons with knowledge of the allegations in the Complaint

and in Respondents Answers are Renae and Mark Eichholz. With respect to the facts raised in the Complaint and in Respondent's Answer, Respondents identify the following:

General Manager Mary Gutzler, Kitchen Manager Jeremy Francis, Assistant Manager Sarah Joiner, Lt. Col. Matt Eiskant, Mark Bartel (downtown resident), Tim Albert (musician and sound man), Alderman Chris Rothweiler, Alderwoman Shelly Schaefer.

3. State whether written or recorded statements have been obtained from any persons mentioned in the answer to Interrogatory No. 2 above with regard to the facts or circumstances surrounding the allegations in the Complaint and/or defenses set forth in Your Answer. If so, state the name, address, employer, and job title of the persons presently having control or custody of such statements.

ANSWER: No statement obtained by Respondents, but Respondents are in possession of police reports, text messages, and facebook messages that support Respondent's position that the music levels are not in violation of any laws or regulations.

4. Identify all communications, whether written, oral or electronic, between You and any party to this Litigation or third party (except communications with counsel) related to the allegations in the Complaint and/or defenses set forth in Your Answer including:

- a. The approximate date of the communication;
- b. The parties to the communication;
- c. The form of the communication, whether written, electronic or oral;
- d. If oral, a brief description of the content of the communication; and
- e. If written or electronic, produce copies of the communication(s) with your response.

ANSWER: All communications relating to this matter have been by text message, except for the following emails:

March 17, 2018 – 3 emails between Geri and Renae

May 2-3, 2018 – 2 emails between Geri and Renae

May 18, 2018 – 1 email from Geri to Renae

December 12, 2018 – 1 email from Geri to Renae

June 2, 2020 – 1 email form Mayor Eckert to a group, and 1 email from Mark to Mayor Eckert.

December 11, 2021– 3 emails between Geri and Renae

Respondents' attorney will arrange a time to exchange the texts messages.

5. Identify every complaint, protest, grievance, criticism, warning, and/or charge you have received in relation to noise or sound emanated from Copper Fire from January 2020 to present, including: (a) the date of the complaint; (b) the nature of the complaint; (c) the person(s) complaining and/or source of the complaint; (d) if any music or band was playing at Copper Fire at the time of the complaint, and, if so, the name of the band or performer and a description of the music being played; (e) the time of the complaint; (f) whether you took any actions to remediate and/or decrease sound in response to the complaint (if yes, describe remediation efforts); and (g) whether any there is any document or communication evidencing the complaint, protest, grievance, criticism, and/or charge.

ANSWER: Respondents have never been charged with a noise violation or violation of any noise related ordinance. Respondents have received complaints, protest, grievances, and warnings from Geri Boyer. All were in texts messages, which will be exchanged. Please see the attached schedule of music to see who was playing and when.

6. Identify every remedial effort You have taken to address concerns, complaints, protests, grievances, criticisms, warnings and/or charges regarding noise and/or sound emanating from Copper Fire from January 2020 to present. For each, include the date and time each remediation effort was completed, and state if the effort was/is permanent.

ANSWER: Beginning in May 2021, Copper Fire took the following steps to address the sole source of noise complaints (the Boyers):

a) Wolfe & Nation played inside in May 2021 at Copper Fire and the noise was more than expected. When Wolfe & Nation returned on June 25th, Copper Fire wanted to have them outside. When the weather eliminated the outdoor option, Wolfe & Nation were asked to play an acoustic set, which they did. The decibel level was monitored that night and the band was asked to turn the sound down on two or more occasions. This same process has been used with every band thereafter. If the decibels levels inside the bar exceeded 95 decibels the bands were asked to turn the master sound down.

b) Consistent with paragraph 1, Respondents downloaded the NIOSH Sound Level Meter on a specific iPhone and that iPhone is kept in the same location of the restaurant to monitor the decibel level inside the restaurant. If anyone inside the restaurant has a concern,

the manager on duty will check the app for an instantaneous level and adjustments will be made to music to ensure the levels stay below 95 decibels. Respondents also watch the LAeq, Lmax and TWA readings. If there is a problem with the decibel level, bands are asked to turn their master sound down.

c) Respondents also tried to find an agreed upon resolution of the Boyer's noise complaints with a three-week trial period (May 22 through June 12). The results of that trial are reflected in the June 11, 2021 email from Respondents' attorney to the Boyer's attorney. On June 11, 2021, Geri Boyer made the first complaint during the three-week period. She then complained for the next two days.

d) During the three-week trial period, Respondents also tested the sound on the house music (Touch Tunes machine). Respondents were allowed into the Boyer's business and 2nd floor apartment to listen for sound. Nothing could be heard in the business, partially because the overhead lights were quite loud. Further, even at maximum level, no human being could hear sound in the 2nd floor apartment. Notwithstanding those results, Respondents established a 3/4 (75%) maximum sound level for the house sound, which has not been violated since.

e) After the three-week trial period, Respondents tried moving the bands from the east side of the restaurant to the west side, but the Boyers began complaining even more. This remediation attempt failed, and the bands are back on the east side of the restaurant with the speakers facing away from the Boyers.

f) Respondents also have attempted to turn the music volume down when complaints have been received from Geri Boyer, but such remedial measures rarely led to resolution. On June 13, 2021, Geri Boyer admitted in a text message "We aren't going for loud. We are going for not hearing your music."

g) Renae Eichholz has met with numerous musicians and people who address sound levels to get advice as to what can be done. Respondents are disclosing Tim Albert as an example of this investigation.

h) Respondents disclose their noise level limits to all bands before they are retained. The bands are asked if they will comply. As mentioned above, when problems occur the bands are asked to turn the music down, which they do.

i) Respondents also posted a sign inside the restaurant for all bands to see asking them to comply with our recommended noise limits.

j) In May 2022, Respondents installed some acoustic tiling on one wall as a test.

7. Identify each of the “many changes” You alleged in Your Answer to Paragraph 17 of the Complaint. For each, include the date and time of each change and state whether the change was/is permanent.

ANSWER: See the answer to interrogatory 6.

8. Identify each of the changes You have implemented since the Boyer’s sound testing was conducted, as asserted in Your Second Affirmative Defense. For each, include the date and time each change was completed, and if the change was/is permanent.

ANSWER: See the answer to interrogatory 6.

9. Identify every band or performer that has played at Copper Fire from January 2020 to present. For each, provide:

- a. The name of the band or performer;
- b. The date(s) they performed;
- c. The time(s) they performed;
- d. The number of performers in each;
- e. The types of instruments played;
- f. Whether the performance occurred inside or outside Copper Fire;
- g. A description of the style of music played; and
- h. The contact information for the band or performer.

ANSWER: See the attached schedule of live music.

10. Identify every written or oral noise and/or sound complaints, warnings, protests, grievances, criticisms, and/or charges You have received or have been issued to You and/or Copper Fire from January 2020 to present, including:

- a. The approximate date;
- b. The parties lodging the complaint;
- c. The form of the communication, whether written, electronic or oral;
- d. If oral, a brief description of the content of the communications that occurred; and
- e. If written or electronic, produce copies of the communication(s) with your response.

ANSWER: See the answer to interrogatory 5.

Respectfully submitted,

Dated: June 3, 2022

GREENSFELDER, HEMKER & GALE, P.C.



Paul Petruska, #6231202
ppetruska@greensfelder.com
12 Wolf Creek Drive, Suite 100
Belleville, IL 62226
Ph: (618) 257-7308
Fax: (618) 257-7353

Attorneys for MRB Development, LLC
d/b/a Copper Fire, Renae Eichholz, and
Mark Eichholz

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the 3rd day of June, 2022 the foregoing
Answers to Interrogatories upon the following person by emailing the document to:

Matthew A. Jacober
Brooke Robbins
Lathrop GPM LLP
7701 Forsyth Boulevard
Suite 500
Clayton, MO 63105
*Attorneys for Complainants,
Doug and Geri Boyer*



Paul E. Petruska

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Doug and Geri Boyer,)	
)	
Complainants,)	
)	PCB #22-9
v.)	
)	(Enforcement)
MRB Development, LLC d/b/a)	
Copper Fire, Renae Eichholz, and)	
Mark Eichholz)	
)	
Respondents)	

RESPONDENTS' JOINT ANSWERS TO COMPLAINANTS' SECOND SET OF INTERROGATORIES

Comes Now, Respondents MRB Development, LLC d/b/a Copper Fire, Renae Eichholz and Mark Eichholz, by and through their undersigned attorney, and hereby answers Complainants' Second Set of Interrogatories.

INTERROGATORIES

11. Identify any reviews of Copper Fire that were deleted or removed by You or any of your agents, employees, or anyone acting at Your direction or control from January 1, 2020 to present. For each deleted or removed review state: (a) the content of the review; (b) date of the review; (c) why the review was removed; and (d) website, location, or source of the review, including, but not limited to Yelp, TripAdvisor, Facebook, and Google.

ANSWER: Respondents have not deleted or removed any reviews of Copper Fire or asked an outside agency to remove any reviews during this time period.

Respectfully submitted,

Dated: June 3, 2022

GREENSFELDER, HEMKER & GALE, P.C.



Paul Petruska, #6231202
ppetruska@greensfelder.com
12 Wolf Creek Drive, Suite 100
Belleville, IL 62226
Ph: (618) 257-7308
Fax: (618) 257-7353

Attorneys for MRB Development, LLC
d/b/a Copper Fire, Renae Eichholz, and
Mark Eichholz

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the 3rd day of June, 2022 the foregoing
Answers to Interrogatories upon the following person by emailing the document to:

Matthew A. Jacober
Brooke Robbins
Lathrop GPM LLP
7701 Forsyth Boulevard
Suite 500
Clayton, MO 63105
*Attorneys for Complainants,
Doug and Geri Boyer*



Paul E. Petruska

EXHIBIT E



7701 Forsyth Boulevard, Suite 500
Clayton, MO 63105
Main: 314.613.2800

Matthew A. Jacober
Partner
matthew.jacober@lathropgpm.com
314.613.2845

June 7, 2022

VIA EMAIL

Paul E. Petruska, Esq.
Greensfelder, Hemker & Gale, P.C.
12 Wolf Creek Drive, Suite 100
Belleville, IL 62226
ppetruska@greensfelder.com

Re: Boyer v. MRB Development, LLC et al. – Respondents' Discovery Responses

Dear Mr. Petruska:

We have had the opportunity to review Respondents' Responses to Complainant's First and Second Requests for Production and Interrogatories. Complainants seek to resolve the deficiencies with Respondents' responses. Please supplement Respondents' responses by June 15, 2022. If Respondents disagree with the below, please promptly provide dates and times for a call to discuss.

Requests Nos. 2 and 3 seek all communications between Respondents, Complainants, and/or any third party relating to the allegations in the Complaint and/or defenses set forth in the Answer. In response, Respondents indicated that "Respondents will arrange for an exchange of text messages." The responses to Complainants' discovery requests were due on June 6, 2022. To date, you have made no attempt to arrange to the exchange of text messages to meet your burden to produce these items by the discovery deadline. Accordingly, please gather and produce these text messages promptly.

Request No. 11 asks Respondents to produce all reviews "mentioning, referring, or relating to sound and/or noise in or around Copper Fire." In response, Respondents state that of the reviews identified "none . . . suggest the restaurant is too loud." Request No. 11 does not ask for your opinion or evaluation of the review, but instead requests the production of all reviews mentioning or relating to sound or noise. Accordingly, please produce the responsive reviews, regardless of whether they "suggest the restaurant is too loud."

Interrogatory No. 2 asks Respondents to identify all persons know to them with knowledge of the facts in the Complaint, including their address, phone number, occupation, title, and a description of the subject matter of the person's knowledge. In response, Respondents identify a list of individuals, but do not provide their contact information, occupation, title, or any information regarding the subject matter of the person's knowledge. Thus, the response is deficient and must be supplemented with the relevant information.

Paul E. Petruska, Esq.

June 7, 2022

Page 2

Finally, Interrogatory No. 9 and Request No. 10, seek information regarding the name of every band and performer at Copper Fire from January 1, 2020 to present, including the dates and time of the performance, number of performers, types of instruments, whether the performance occurred inside or outside, a description of the style of the music, and the band or performer's contact information. In response, Respondents produced a spreadsheet listing the musicians who have played from June 6, 2020 to April 1, 2022. While some of the dates have notes indicating the times the musicians played, this spreadsheet is deficient, as it does not provide musicians for the entire time period, and it does not provide all of the specific information requested in Interrogatory No. 9 and Request No. 10. Accordingly, please amend the spreadsheet to include all performers/bands from January 1, 2020 to present, including the time each performer/band played, the number of performers in the act, the types of instruments, whether the performer/band played indoors or outdoors, the style of music, and the contact information for the performer.

Please contact me if you wish to discuss further. Otherwise, I look forward to receiving Respondents' amended responses and supplemental production on or before June 15, 2022.

Very truly yours,

Lathrop GPM LLP



By: _____
Matthew A. Jacober

MAJ/br

EXHIBIT F

Electronic Filing: Received, Clerk's Office 7/11/2022

DATE	MUSICIAN	NOTES
Saturday, June 6, 2020	Hunter Peeples	
Saturday, June 6, 2020	Mid Life Crisis	
Friday, June 12, 2020	The Other Guys	
Saturday, June 13, 2020	Acoustic DNA	
Sunday, June 14, 2020	Nicholas Robert Stergos	
Friday, June 19, 2020	Ronda Ray	
Saturday, June 20, 2020	Clark Kent Band	
Thursday, June 25, 2020	Raquel	
Friday, June 26, 2020	Brad Noe Band	
Saturday, June 27, 2020	Ashley Stehlick	
Thursday, July 2, 2020	Courtney Dae	
Friday, July 3, 2020	Nicholas Robert Stergos	
Thursday, July 9, 2020	Hunter Peebles	
Saturday, July 11, 2020	Alexandra Kay	
Saturday, July 11, 2020	Raquel Rae	
Thursday, July 16, 2020	Ashley Stehlick	
Friday, July 17, 2020	Hunter Hamilton	
Saturday, July 18, 2020	Just Joshin' Around	
Saturday, July 18, 2020	The Trophy Mules Duo	
Sunday, July 19, 2020	Bob Griffin	
Friday, July 24, 2020	Raquel Rae	
Friday, July 24, 2020	The Other Guys	
Saturday, July 25, 2020	Roger A. Matthews	
Saturday, July 25, 2020	Scott Keller	
Thursday, July 30, 2020	Lindsay Kay Rhein	
Saturday, August 1, 2020	Hunter peebles	1-4 cannot play any later
Saturday, August 1, 2020	P-nut & the Shells duo	6-10
Thursday, August 6, 2020	Dave Caputo Duo	6-9
Friday, August 7, 2020	Steve Ewing-CANCELLED	CANCELLED \$350
Saturday, August 8, 2020	Hunter Hamilton	from Denver
Saturday, August 8, 2020	Joel Butler	afternoon
Thursday, August 13, 2020	Ashan	
Friday, August 14, 2020	Social Lite	
Saturday, August 15, 2020	Kara & bob (of the waviators)	6-10pm
Saturday, August 15, 2020	patrick white	afternoon 2:30-5:30
Thursday, August 20, 2020	Short Mist	
Friday, August 21, 2020	Dave Caputo	Was going to be Alexandra Kay (Mayor limited musicians)
Saturday, August 22, 2020	roaming Home	
Saturday, August 22, 2020	the other guys	afternoon 1-5
Thursday, August 27, 2020	Jonathon Baker duo	6-9pm
Friday, August 28, 2020	String Dream Duo	6-10
Saturday, August 29, 2020	Ashan	not sure why Bennie shows more?
Saturday, August 29, 2020	Joel Butler	afternoon 1-4
Thursday, September 3, 2020	your dad's rap group	6-9pm
Friday, September 4, 2020	Hunter Hamilton	From Denver 6-10
Saturday, September 5, 2020	Courtney Dae	6-10
Saturday, September 5, 2020	Scott Keller-Steel Creek	afternoon 1-4

Electronic Filing: Received, Clerk's Office 7/11/2022

Thursday, September 10, 2020	Short Mist	6-9
Friday, September 11, 2020	the other guys	6-10
Saturday, September 12, 2020	Levi Loyd	booked by Bennie's 6-10pm
Saturday, September 12, 2020	lunabelle	2-5pm
Thursday, September 17, 2020	Hunter Peebles	6-9pm
Friday, September 18, 2020	ronda ray	from alabama 6-10pm
Saturday, September 19, 2020	Dave Caputo Duo	afternoon 1-4
Saturday, September 19, 2020	Nick stergos	6-10pm
Thursday, September 24, 2020	raquel rae	6-9pm
Friday, September 25, 2020	10 String Dream Duo	6-10
Saturday, September 26, 2020	just Joshin' around	6-10pm
Saturday, September 26, 2020	Steve Reeb	2-5pm
Sunday, September 27, 2020	Patrick white	12-4pm-Copper Fire closed
Thursday, October 1, 2020	picking buds	6-9pm
Friday, October 2, 2020	Brandon Scherffius	6-10pm
Saturday, October 3, 2020	Courtney Dae	2-5pm confirmed
Saturday, October 3, 2020	Jones Effect	6-10pm
Thursday, October 8, 2020	Dave caputo	6-9pm
Friday, October 9, 2020	Curt Copeland/Roaming Home	6-10pm
Saturday, October 10, 2020	PCST	6-10pm
Saturday, October 10, 2020	Raquel Rae	2-5pm
Thursday, October 15, 2020	Bob Griffn Duo	6-9pm
Friday, October 16, 2020	the other guys	7-11pm
Saturday, October 17, 2020	Ronda ray	2-5pm
Saturday, October 17, 2020	Terrance Wafer	6-10pm
Thursday, October 22, 2020	Alexander Ruwe	6-9pm
Friday, October 23, 2020	10 String Dream-CANCELED	CANCELLED DUE TO WEATHER
Saturday, October 24, 2020	ashan	6-10pm
Saturday, October 24, 2020	Carlos Bedoya/Ben Wah Duo	1-5pm
Thursday, October 29, 2020	Raquel rae	6-9pm CANCELLING DUE TO WEATHER \$200
Friday, October 30, 2020	nick stergos	6-10pm
Saturday, October 31, 2020	Hunter Peebles-CANCELED	CANCELLED DUE TO WEATHER
Saturday, October 31, 2020	social lite	6-10pm
Friday, November 6, 2020	Danny Kalaher	
Saturday, November 7, 2020	patrick white	
Friday, November 13, 2020	The Other Guys-CANCELED	CANCELLED DUE TO WEATHER
Friday, February 12, 2021	The Other Guys	8-11
Saturday, February 13, 2021	Dave Caputo	
Sunday, February 14, 2021	Hunter Peebles	1-4
Friday, March 5, 2021	Scott Keller	8-11
Saturday, March 6, 2021	Hunter Hamilton	
Sunday, March 7, 2021	Curt Copeland/Roaming Home	1-4
Friday, March 12, 2021	Adam Gaffney	8-11
Saturday, March 13, 2021	Ken Firestone DJ	10:30-2:30
Saturday, March 13, 2021	The Dave Caputo Band	1-4
Saturday, March 13, 2021	Nations & Wolfe	7-11 Acoustic
Sunday, March 14, 2021	Jazz Tonite	1-4
Wednesday, March 17, 2021	Paul Bonn and the Bluesmen	4-8

Electronic Filing: Received, Clerk's Office 7/11/2022

Friday, March 19, 2021	Billy Barnett	8-11
Saturday, March 20, 2021	Ed Belling (Cheri couldn't make it)	8-11
Sunday, March 21, 2021	Bob Emig & Derreck Engle	1-4
Friday, March 26, 2021	Boulderdash	8-11
Saturday, March 27, 2021	Dustin/Songs4Soldiers	PAYING FOR 1 MUSICIAN 1-4-MAKE DONATION
Saturday, March 27, 2021	Pussy Cats & Swallow Tails	7-11
Sunday, March 28, 2021	Nick Stergos	1-4
Friday, April 2, 2021	PowerPlay Band	8-11
Saturday, April 3, 2021	10 String Dream	1-4
Saturday, April 3, 2021	Brandon Scherffius	8-11
Sunday, April 4, 2021	Jack Twesten/Skylark Brothers Band-duo	3-7 EASTER
Friday, April 9, 2021	MoonBuzz	8-11
Saturday, April 10, 2021	Saloonatics	1-4
Saturday, April 10, 2021	Mark Klose's Band	9-Midnight
Sunday, April 11, 2021	Hunter Peebles	1-4
Friday, April 16, 2021	Dave Caputo	8-11
Saturday, April 17, 2021	Brandon Scherffius	11-2
Saturday, April 17, 2021	Terrance Wafer	3-7
Saturday, April 17, 2021	Eastsider Review Band	8-12
Sunday, April 18, 2021	Bob Griffin Duo	1-4
Friday, April 23, 2021	Scott Keller/Steel Creek	8-11
Saturday, April 24, 2021	Billy Barnett	11-2
Saturday, April 24, 2021	MoonBuzz	3-7
Saturday, April 24, 2021	Ken Firestone DJ	8-11
Sunday, April 25, 2021	Nick Stergos	1-4
Sunday, April 25, 2021	Southside Johnny	5-8
Friday, April 30, 2021	Tim & Mel	8-11
Saturday, May 1, 2021	Kevin Gruen	11-2
Saturday, May 1, 2021	Hunter Hamilton	3-7
Saturday, May 1, 2021	Salmon Creek	8-11
Sunday, May 2, 2021	Carlos Bedoya/Ben Wah Bob Duo Band	1-4
Sunday, May 2, 2021	Paul Bonn and the Bluesmen	5-8
Wednesday, May 5, 2021	Every Little Thing	6-10
Thursday, May 6, 2021	Pat Liston	7-10
Friday, May 7, 2021	Ed & Barb of Pik'n Lik'n	8-11
Saturday, May 8, 2021	Bob Emig & Derrick Engle	11-2
Saturday, May 8, 2021	Brandon Scherffius	3-7
Saturday, May 8, 2021	Wolfe & Nation full band	8-11 3 hours
Sunday, May 9, 2021	Dave Edrington	1-4 MOTHER'S DAY
Sunday, May 9, 2021	Jack Twesten/Skylark Brothers Band-duo	5-8
Wednesday, May 12, 2021	Wine & Whiskey & Danny Kalaher	5-8
Thursday, May 13, 2021	Brandon Scherffius	6-9
Friday, May 14, 2021	Pat White	8-11
Saturday, May 15, 2021	Jazz Tonite	11-2
Saturday, May 15, 2021	Kameron/The Bone Docs	3-7
Saturday, May 15, 2021	Skeet Roger's & Inner City Blues	8-11
Sunday, May 16, 2021	Austin Jones	11-2
Sunday, May 16, 2021	Truttman & Wooley	2-4 sharing equip with Unchained

Electronic Filing: Received, Clerk's Office 7/11/2022

Sunday, May 16, 2021	Unchained Animals The Eric Burdon Tribute	4-7
Wednesday, May 19, 2021	Andrew Dahle	6-9
Thursday, May 20, 2021	Adam Gaffney	6-9
Friday, May 21, 2021	Everett Dean Duo	7-11
Saturday, May 22, 2021	Billy Barnett	11-2
Saturday, May 22, 2021	Haley Woolbright	3-7
Saturday, May 22, 2021	Jeremiah Johnson	8-11
Sunday, May 23, 2021	HotFlash Duo	1-4
Sunday, May 23, 2021	Dave Edrington	5-8
Wednesday, May 26, 2021	NO MUSIC	NO MUSIC
Thursday, May 27, 2021	Paul Bonn and the Bluesmen	7-10
Friday, May 28, 2021	Scott Marlin	8-11
Saturday, May 29, 2021	Ryan Cheney	11-2 (10-3 Bloody Mary Walk)
Saturday, May 29, 2021	Klose Kuarters	3-6
Saturday, May 29, 2021	Naked Souls	8-11
Sunday, May 30, 2021	Patrick White	1-4
Sunday, May 30, 2021	Sandra Carter and Soulful Sound Band	5-8
Wednesday, June 2, 2021	Andrew Dahle	6-9
Friday, June 4, 2021	Jack Twesten/Skylark Brothers Band-duo	7-11
Saturday, June 5, 2021	Tim & Mel	12:30-4:00
Saturday, June 5, 2021	MoonBuzz-CANCELLED	NO SHOW
Saturday, June 5, 2021	PowerPlay Band	8-11
Sunday, June 6, 2021	Bob Emig & Derrick Engle	1-4
Sunday, June 6, 2021	20th Street Blues (Stacy Pruett)	5-8
Wednesday, June 9, 2021	Roosevelt School Fundraiser 10% & Danny K	5-8 Danny Kalahar & ALL DAY for the Fundraiser
Friday, June 11, 2021	Bob Griffin Duo	7-11
Saturday, June 12, 2021	10 String Dream	11-2
Saturday, June 12, 2021	Gizzards	3-6
Saturday, June 12, 2021	John McVey	7-11
Sunday, June 13, 2021	Uncle Albert	3-7
Wednesday, June 16, 2021	Adam Gaffney	6-9
Friday, June 18, 2021	Buffalo Road	7-Midnight
Saturday, June 19, 2021	Billy Barnett	11-2
Saturday, June 19, 2021	Truttman & Wooley	3-7
Saturday, June 19, 2021	Patrick White	8-11
Sunday, June 20, 2021	Klose Kuarters	3-6
Wednesday, June 23, 2021	Austin Jones	6-9
Friday, June 25, 2021	Wolfe & Nation ACOUSTIC + Sound	8-Midnight
Saturday, June 26, 2021	Kevin Gruen	11-2
Saturday, June 26, 2021	Lost Remotes	3-7
Saturday, June 26, 2021	LA Jones Quartet	8-11
Sunday, June 27, 2021	Austin Jones	11-2
Sunday, June 27, 2021	HotFlash Duo	3-7
Wednesday, June 30, 2021	Fuzzy Love (Bob Emig/Derek Engle)	6-9
Thursday, July 1, 2021	Austin Jones	6-9
Friday, July 2, 2021	PowerPlay Band full with Sax	8-11 Mike Zito at CF for lunch (playing at Lincoln)
Saturday, July 3, 2021	Austin Jones	11-2
Saturday, July 3, 2021	Pussy Cats & Swallow Tails	3-7

Electronic Filing: Received, Clerk's Office 7/11/2022

Saturday, July 3, 2021	Jeff Faulkner	8-11
Sunday, July 4, 2021	CLOSED	CLOSED
Wednesday, July 7, 2021	Austin Jones	6-9
Thursday, July 8, 2021	Dave Edrington	6-9
Friday, July 9, 2021	Fry Project	8-11
Saturday, July 10, 2021	Laura Carver Party/Delicious Fishes	2-6
Saturday, July 10, 2021	Dazed N Confused Acoustic	7-11
Sunday, July 11, 2021	Landon Cole (Mr. Deborah)	1-4
Sunday, July 11, 2021	Jack Twesten/Skylark Brothers Band-full band	5-9
Wednesday, July 14, 2021	Andrew Dahle	6-9
Thursday, July 15, 2021	10 String Dream	6-9
Friday, July 16, 2021	Ben Wah Bob Full Band \$750	8-11
Saturday, July 17, 2021	Kevin Gruen	1-4
Saturday, July 17, 2021	Chris Schwen DJ	8-Midnight
Sunday, July 18, 2021	Jeremiah Johnson	3-7
Wednesday, July 21, 2021	Mikey Bovenzi drummer of Faustus	7-10
Thursday, July 22, 2021	Brandon Scherffius	6-9
Friday, July 23, 2021	Skeet Rodger's & Inner City Blues	8-11
Saturday, July 24, 2021	Chris Schwen/Margarita Time	11-4
Saturday, July 24, 2021	Stompbox and the Mixtapes	8-11
Sunday, July 25, 2021	Steel Creek Band	3-7
Monday, July 26, 2021	CLOSED	CLOSED
Tuesday, July 27, 2021	CLOSED	CLOSED
Wednesday, July 28, 2021	Fuzzy Love (Bob Emig/Derek Engle)	6-9
Thursday, July 29, 2021	Haley Woolbright & Balloon	6-9
Friday, July 30, 2021	Brandon Scherffius	8-11
Saturday, July 31, 2021	Mark Klose's Band	3-6
Saturday, July 31, 2021	LAJQ WITH ADRIANNA JONES	8-11
Sunday, August 1, 2021	Terrance Wafer	1-5
Monday, August 2, 2021	CLOSED	CLOSED
Tuesday, August 3, 2021	CLOSED	CLOSED
Wednesday, August 4, 2021	Danny Kalahar	6-9
Thursday, August 5, 2021	ELT Band	6-9
Friday, August 6, 2021	PowerPlay Band	8-11
Saturday, August 7, 2021	Mikey Lanini-Country music	12-4
Saturday, August 7, 2021	Kevin Gruen	8-11
Sunday, August 8, 2021	The Pull Toyz	2-6
Monday, August 9, 2021	CLOSED	CLOSED
Tuesday, August 10, 2021	CLOSED	CLOSED
Wednesday, August 11, 2021	Tim Albert & Lisa (pianist)	6-9
Thursday, August 12, 2021	Derreck Engle	6-9
Friday, August 13, 2021	Brandon Scherffius	8-11
Saturday, August 14, 2021	Ryan Cheney	11-2
Saturday, August 14, 2021	Lane Narrows/check to Lauren XXXX?	2-5
Saturday, August 14, 2021	Skeet Rodger's & Inner City Blues	8-11
Sunday, August 15, 2021	Just Jethro Solo	2-5
Monday, August 16, 2021	CLOSED	CLOSED
Tuesday, August 17, 2021	CLOSED	CLOSED

Electronic Filing: Received, Clerk's Office 7/11/2022

Wednesday, August 18, 2021	Mr. Deborah	6-9
Thursday, August 19, 2021	Balloonist	Trivia night for Mural Project
Friday, August 20, 2021	Wofle & Nation FULL BAND & WIL	8-Midnight
Saturday, August 21, 2021	Justin Jagler (folk music)	2-6
Saturday, August 21, 2021	Ben Wah Bob Trio	8-11
Sunday, August 22, 2021	KSHE BLOCK PARTY!	1-3
Sunday, August 22, 2021	Mark Klose's Band	3-6
Monday, August 23, 2021	CLOSED	CLOSED
Tuesday, August 24, 2021	CLOSED	CLOSED
Wednesday, August 25, 2021	Mikey Bovenzi drummer of Faustus	6-9
Thursday, August 26, 2021	2 Pedros (Jeff Faulkner)	6-9
Friday, August 27, 2021	Roominators	8-11
Saturday, August 28, 2021	White Collar Recession	3-7
Saturday, August 28, 2021	Andrew Dahle	8-11
Sunday, August 29, 2021	Copper Reign	2-5
Wednesday, September 1, 2021	Danny Kalahar	6-9
Thursday, September 2, 2021	Fry Project	7-10
Friday, September 3, 2021	Corey Evitts Music	8-11
Saturday, September 4, 2021	Pat Liston	2-5
Saturday, September 4, 2021	BELLEVILLE TRASH DAY & PCST	5:00
Sunday, September 5, 2021	CLOSED	CLOSED
Monday, September 6, 2021	CLOSED	CLOSED
Tuesday, September 7, 2021	CLOSED	CLOSED
Wednesday, September 8, 2021	Hunter Peebles	6-9
Thursday, September 9, 2021	NO MUSIC BUT NEED MICROPHONE	NO MUSIC/ATOS PREVIEW PARTY
Friday, September 10, 2021	NEED MICROPHONE & AMP & 2 CURTAINS	DRAG SHOW 9-11
Saturday, September 11, 2021	Delicious Fishes	1-5
Saturday, September 11, 2021	PowerPlay Band	8-11
Sunday, September 12, 2021	Chase Cofer (with extras Billy Barnett)	3-7
Monday, September 13, 2021	CLOSED	CLOSED
Tuesday, September 14, 2021	CLOSED	CLOSED
Wednesday, September 15, 2021	Bob Emig Karaoke	6-9
Thursday, September 16, 2021	Mikey Bovenzi drummer of Faustus	6-9
Friday, September 17, 2021	Eliseo Barrera DJ	7-11
Saturday, September 18, 2021	Mikey Lanini-Country music	1-5
Saturday, September 18, 2021	Skeet Rodger's & Inner City Blues	8-11
Sunday, September 19, 2021	Luci Switalski-country	2-5
Monday, September 20, 2021	144 LUNCH DONATION	CLOSED-LUNCH FOR BIRDIES FOR BREATHING
Tuesday, September 21, 2021	CLOSED	CLOSED
Wednesday, September 22, 2021	Comedian	7:00-8:30
Thursday, September 23, 2021	2 Pedros (Jeff Faulkner)	6-9
Friday, September 24, 2021	The Double Shot Duo	8-11
Saturday, September 25, 2021	Kevin Gruen 1-4	2-6
Saturday, September 25, 2021	Champagne Fixx	8-11
Sunday, September 26, 2021	Hunter Peebles	2-5
Monday, September 27, 2021	CLOSED	CLOSED
Tuesday, September 28, 2021	CLOSED	CLOSED
Wednesday, September 29, 2021	American Dreamer	6-9

Electronic Filing: Received, Clerk's Office 7/11/2022

Thursday, September 30, 2021	Dover & Brown	6-9
Friday, October 1, 2021	PowerPlay Band	8-11
Saturday, October 2, 2021	Pat Liston	12-3
Saturday, October 2, 2021	Richard Nihil	3:30-7:00
Saturday, October 2, 2021	Saloonatics	8-11
Sunday, October 3, 2021	MOJO Universe	2-5
Wednesday, October 6, 2021	Danny Kalahar	6-9
Thursday, October 7, 2021	Andrew Dahle	6-9
Friday, October 8, 2021	ESPN_Michelle Smallmon	5-7
Friday, October 8, 2021	ESPN & The Point on site	5-7 Michelle Smallmon & 6-8 Moon
Friday, October 8, 2021	Corey Evitts Music	8-11
Saturday, October 9, 2021	Uncle Albert	2-5
Saturday, October 9, 2021	Ben Wah Bob "The Dude Abides (play Styx)	8-11
Sunday, October 10, 2021	ELT	3-6
Sunday, October 10, 2021	Terrance Wafer	7-10
Monday, October 11, 2021	CLOSED	CLOSED
Tuesday, October 12, 2021	CLOSED	CLOSED
Wednesday, October 13, 2021	Ryan Cheney	6-9
Thursday, October 14, 2021	Hire tarot card reader or something like that	WITCHES BREW WALK-KENNY FIRESTONE
Friday, October 15, 2021	ESPN PRE-GAME BLUES GAME PARTY	ESPN PRE-SEASON BLUES GAME PARTY 11-7
Friday, October 15, 2021		DRAG SHOW
Saturday, October 16, 2021	Roominators	2-5
Saturday, October 16, 2021	Groovy Butter Cakes	8-11
Sunday, October 17, 2021	BRETT & RACHEL'S SHOWER & BAHs	11-2 BRETT & RACHEL'S SHOWER
Sunday, October 17, 2021	The John And Dave Duo	3-6
Monday, October 18, 2021	CLOSED	CLOSED
Tuesday, October 19, 2021	CLOSED	CLOSED
Wednesday, October 20, 2021	NO MUSIC	NO MUSIC
Thursday, October 21, 2021	Mike Bovenzi	6-9
Friday, October 22, 2021	CANCELLED	CANCELLED
Saturday, October 23, 2021	10 String Dream	2-5
Saturday, October 23, 2021	Killer Wails	8-11
Sunday, October 24, 2021	Mikey Lanini-Country music	1-5
Monday, October 25, 2021	CLOSED	CLOSED
Tuesday, October 26, 2021	CLOSED	CLOSED
Wednesday, October 27, 2021	RIZZ SHOW BILLBOARD SIGNING	
Thursday, October 28, 2021	2 Pedros (Jeff Faulkner)	6-9
Friday, October 29, 2021	The Double Shot Duo	8-11
Saturday, October 30, 2021	Kenny Firestone	2-6
Saturday, October 30, 2021	White Collar Recession	8-11
Sunday, October 31, 2021	Lane Narrows	2-5
Monday, November 1, 2021	CLOSED	CLOSED
Tuesday, November 2, 2021	CLOSED	CLOSED
Wednesday, November 3, 2021	The Click Band (Trio)	6-9
Thursday, November 4, 2021	Mikey Bovenzi (drummer of Faustus)	6-9
Friday, November 5, 2021	Shriner's Parade/PowerPlayBand	8-11 (SHRINER'S PARADE AT 6:00)
Saturday, November 6, 2021	Stompbox and the Mixtapes (local kid band)	2-5 (ART & WINE WALK 3-7)
Saturday, November 6, 2021	Delicious Fishes (margaritaville style)	7-11

Electronic Filing: Received, Clerk's Office 7/11/2022

Sunday, November 7, 2021	Pat Liston (Mama's Pride)	2-5
Monday, November 8, 2021	CLOSED	CLOSED
Tuesday, November 9, 2021	CLOSED	CLOSED
Wednesday, November 10, 2021	The DUO	6-9
Thursday, November 11, 2021	Hockey Game	HOCKEY GAME
Friday, November 12, 2021		DRAG SHOW
Saturday, November 13, 2021	The John And Dave Duo (Country)	2-5 & 6-10
Sunday, November 14, 2021	Terrance Wafer	1-4
Monday, November 15, 2021	CLOSED	CLOSED
Tuesday, November 16, 2021	CLOSED	CLOSED
Wednesday, November 17, 2021	Miles Brenton-country/pop/blues	6-9
Thursday, November 18, 2021	10 String Dream & Baloon Guy	6-9
Friday, November 19, 2021	The Double Shot Duo	8-11
Saturday, November 20, 2021	LERN-Lane Narrows	2-5
Saturday, November 20, 2021	Hair Syndicate	8-Midnight
Sunday, November 21, 2021	Saloonatics	2-5
Monday, November 22, 2021	CLOSED	CLOSED
Tuesday, November 23, 2021	CLOSED	CLOSED
Wednesday, November 24, 2021	DJ Doyle	7-11
Thursday, November 25, 2021	CLOSED	CLOSED BUT BLOODY MARY THING
Friday, November 26, 2021	Blacktop Duo	1-4
Friday, November 26, 2021	Skeet Rodger's & Inner City Blues	8-11
Saturday, November 27, 2021	Andy Solo (Sponge)	12-4
Saturday, November 27, 2021	Moon-The Point	4-6
Saturday, November 27, 2021	ESPN-Michelle Smallmon	5-7
Saturday, November 27, 2021	LIL SISTER	8-11
Sunday, November 28, 2021	Mikey Lanini-Country music	1-5
Monday, November 29, 2021	CLOSED	CLOSED
Tuesday, November 30, 2021	CLOSED	CLOSED
Wednesday, December 1, 2021	Scott Marlin	6-9
Thursday, December 2, 2021	Hockey Game	HOCKEY GAME
Friday, December 3, 2021	PowerPlay Band	8-11
Saturday, December 4, 2021	Kenny Firestone	3-6
Saturday, December 4, 2021	Champagne Fixx	8-Midnight
Sunday, December 5, 2021	Pat Liston	2-5
Monday, December 6, 2021	CLOSED	CLOSED
Tuesday, December 7, 2021	CLOSED	CLOSED
Wednesday, December 8, 2021	10 String Dream	6-9
Thursday, December 9, 2021	Hockey Game	HOCKEY GAME
Friday, December 10, 2021	DRAG SHOW	DRAG SHOW
Saturday, December 11, 2021	Mikey Bovenzi (Faustus Drummer)	1-4
Saturday, December 11, 2021	ESPN-Michelle Smallmon	4-6
Saturday, December 11, 2021	Buffalo Road	7-11
Sunday, December 12, 2021	The John And Dave Duo	2-5
Monday, December 13, 2021	PRIVATE PARTY	PRIVATE PARTY
Tuesday, December 14, 2021	CLOSED	CLOSED
Wednesday, December 15, 2021	Andrew Dahle	6-9
Thursday, December 16, 2021	Raw Earth with Belly Dancers	6-9

Electronic Filing: Received, Clerk's Office 7/11/2022

Friday, December 17, 2021	Vintage Brotherhood	8-11
Saturday, December 18, 2021	Charlie Brown Show	2-5
Saturday, December 18, 2021	Terrance Wafer	8-11
Sunday, December 19, 2021	Mikey Lanini-Country music	1-5
Monday, December 20, 2021	CLOSED	CLOSED
Tuesday, December 21, 2021	CLOSED	CLOSED
Wednesday, December 22, 2021	Miles Brenton-country/pop/blues	6-9
Thursday, December 23, 2021	Skeet Rodger's & Inner City Blues	7-10
Friday, December 24, 2021	CLOSED	CLOSED
Saturday, December 25, 2021	CLOSED	CLOSED
Sunday, December 26, 2021	CLOSED	CLOSED
Monday, December 27, 2021	CLOSED	CLOSED
Tuesday, December 28, 2021	CLOSED	CLOSED
Wednesday, December 29, 2021	Jack Twesten (Skylard Bros) Duo	6-9
Thursday, December 30, 2021	Brandon Scherffius w/ John Spicer	7-10
Friday, December 31, 2021	Off the Blacktop featuring John Spicer	2-5
Friday, December 31, 2021	Chris Schwen DJ	7-Midnight
Saturday, January 1, 2022	CLOSED	CLOSED
Sunday, January 2, 2022	CLOSED	CLOSED
Monday, January 3, 2022	CLOSED	CLOSED
Tuesday, January 4, 2022	CLOSED	CLOSED
Wednesday, January 5, 2022	NO MUSIC	NO MUSIC
Thursday, January 6, 2022	Mikey Bovenzi (Faustus Drummer)	6-9
Friday, January 7, 2022	Gusto Band	8-11
Saturday, January 8, 2022	Rick Schroeder	2-5
Saturday, January 8, 2022	Lanny & Julie	8-11
Sunday, January 9, 2022	3 of a Perfect Pair	2-5
Monday, January 10, 2022	CLOSED	CLOSED
Tuesday, January 11, 2022	CLOSED	CLOSED
Wednesday, January 12, 2022	Kaylene Vineyard	6-9
Thursday, January 13, 2022	NO MUSIC	NO MUSIC
Friday, January 14, 2022	Fresh Burn	8-11
Saturday, January 15, 2022	Vintage Brotherhood	2-5
Saturday, January 15, 2022	ESPN-Michelle Smallmon	4-6
Saturday, January 15, 2022	Every Little Thing	8-11
Sunday, January 16, 2022	CLOSED FOR COMPANY PARTY	
Monday, January 17, 2022	CLOSED	CLOSED
Tuesday, January 18, 2022	CLOSED	CLOSED
Wednesday, January 19, 2022	Shannon Arview (man)	6-9
Thursday, January 20, 2022	Scott Marlin & Balloon Guy	6-9
Friday, January 21, 2022	Copper Reign	8-11
Saturday, January 22, 2022	Over Head Dog STL Rock Cover Band	2-5
Saturday, January 22, 2022	Corey Evitts Music	8-11
Sunday, January 23, 2022	Tim & Lisa Albert (Uncle Albert)	2-5
Monday, January 24, 2022	CLOSED	CLOSED
Tuesday, January 25, 2022	CLOSED	CLOSED
Wednesday, January 26, 2022	Benbow City Shuffle	6-9
Thursday, January 27, 2022	NO MUSIC	NO MUSIC

Electronic Filing: Received, Clerk's Office 7/11/2022

Friday, January 28, 2022	Delicious Fishes	8-11
Saturday, January 29, 2022	The John and Dave Duo	2-5
Saturday, January 29, 2022	PowerPlay	8-11
Sunday, January 30, 2022	Pat Liston	2-5
Monday, January 31, 2022	CLOSED	CLOSED
Tuesday, February 1, 2022	CLOSED	CLOSED
Wednesday, February 2, 2022	NO MUSIC	NO MUSIC
Thursday, February 3, 2022	Cancelled due to SNOW	CANCELLED
Friday, February 4, 2022	Blacktop Boulevard Trio	8-11
Saturday, February 5, 2022	The Double Shot Duo	2-5
Saturday, February 5, 2022	The Number 9 Blacktops (friends of Lern)	8-11
Sunday, February 6, 2022	Kaylene Vineyard	6-9
Monday, February 7, 2022	CLOSED	CLOSED
Tuesday, February 8, 2022	CLOSED	CLOSED
Wednesday, February 9, 2022	10 String Dream	6-9
Thursday, February 10, 2022	Orr & Rolens Acoustic Duo	6-9
Friday, February 11, 2022	Gusto Band	8-11
Saturday, February 12, 2022	3 of a Perfect Pair	2-5
Saturday, February 12, 2022	The Other Guys Acoustic Duo	7-11
Sunday, February 13, 2022	Mark Klose	2-5
Monday, February 14, 2022	CLOSED	CLOSED
Tuesday, February 15, 2022	CLOSED	CLOSED
Wednesday, February 16, 2022	Catfish Willie Duo	6-9
Thursday, February 17, 2022	CANCELLED DUE TO WEATHER	CANCELLED
Friday, February 18, 2022	CHERI BOMB BAND	8-11
Saturday, February 19, 2022	Lern/Lane Narrows	2-5
Saturday, February 19, 2022	LIL SISTER	8-11
Sunday, February 20, 2022	Jack Twesten (Skylark Bros) Duo	2-5
Monday, February 21, 2022	CLOSED	CLOSED
Tuesday, February 22, 2022	CLOSED	CLOSED
Wednesday, February 23, 2022	SHANNON ARVIEW	6-9
Thursday, February 24, 2022	NO MUSIC	NO MUSIC
Friday, February 25, 2022	ESPN-Michelle Smallmon	5-7
Friday, February 25, 2022	The Cheers Band	8-11
Saturday, February 26, 2022	2 Pedros (Jeff Faulkner)	11-2
Saturday, February 26, 2022	Kenny Firestone	3-7
Saturday, February 26, 2022	Ben Wah Bob	8-11
Sunday, February 27, 2022	The John and Dave Duo	2-5
Monday, February 28, 2022	CLOSED	CLOSED
Tuesday, March 1, 2022	CLOSED	CLOSED
Wednesday, March 2, 2022	Brandon Scherffius	6-9
Thursday, March 3, 2022	John Spicer	6-9
Friday, March 4, 2022	The Double Shot Duo	8-11
Saturday, March 5, 2022	Fresh Burn	2-5
Saturday, March 5, 2022	White Collar Recession	8-11
Sunday, March 6, 2022	Tim & Lisa Albert (Uncle Albert)	2-5
Monday, March 7, 2022	CLOSED	CLOSED
Tuesday, March 8, 2022	CLOSED	CLOSED

Electronic Filing: Received, Clerk's Office 7/11/2022

Wednesday, March 9, 2022	Kaylene Vineyard	6-9
Thursday, March 10, 2022	Jeff Faulkner	6-9
Friday, March 11, 2022	Delicious Fishes	7-11
Saturday, March 12, 2022	Kenny Firestone DJ	9-2
Saturday, March 12, 2022	Dylan Wolfe Band	2:30-6:30
Sunday, March 13, 2022	Bobby Rolens & his Brother	8-11
Monday, March 14, 2022	CLOSED	CLOSED
Tuesday, March 15, 2022	CLOSED	CLOSED
Wednesday, March 16, 2022	Catfish Willie Duo--blues/jazz	6-9
Thursday, March 17, 2022	The John and Dave Duo	6-9
Friday, March 18, 2022	ELT-Every Little Thing	8-11
Saturday, March 19, 2022	Amberfade	2-5
Saturday, March 19, 2022	Burnin Bridges	8-11
Sunday, March 20, 2022	Pat Liston	2-5
Monday, March 21, 2022	CLOSED	CLOSED
Tuesday, March 22, 2022	CLOSED	CLOSED
Wednesday, March 23, 2022	10 String Dream	6-9
Thursday, March 24, 2022	Array Band Trio	6-9
Friday, March 25, 2022	Meatwood Flack	8-11
Saturday, March 26, 2022	Lern/Lane Narrows	2-5
Saturday, March 26, 2022	ESPN-Michelle Smallmon	2-4
Saturday, March 26, 2022	BEn Wah Bob (Dude Abide)	8-11
Sunday, March 27, 2022	Anthony (Blacktop)	2-5
Monday, March 28, 2022	CLOSED	CLOSED
Tuesday, March 29, 2022	CLOSED	CLOSED
Wednesday, March 30, 2022	Scott Marlin	6-9
Thursday, March 31, 2022	Katie Hatch	6-9
Friday, April 1, 2022	The John and Dave Duo with Special Guest Cody Cox	8-11