

ILLINOIS POLLUTION CONTROL BOARD

ANNA ANDRUSHKO)	
)	
Complainant,)	
)	PCB 23-133
v.)	
)	
THOMAS EGAN)	
)	
Respondent.)	

NOTICE OF FILING

TO: Illinois Pollution Control Board
 Attn: Don Brown – Clerk of the Board
 100 W. Randolph Street, Suite 11-500
 Chicago, IL 60601
Don.brown@illinois.gov
Brad.Halloran@illinois.gov

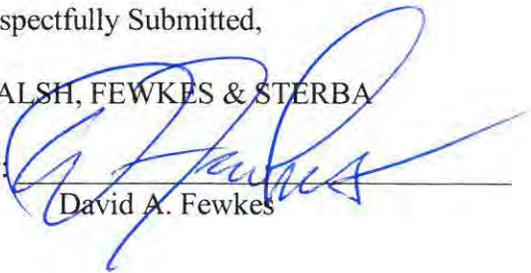
TO: Anna Andrushko
 9313 S. Spaulding Avenue
 Evergreen Park, IL 60805
PCB23.133@gmail.com

PLEASE TAKE NOTICE that on January 14, 2026 we filed with the Office of the Clerk of the Pollution Control Board the **Response Opposing Complainant’s Motion For Interlocutory Appeal** on behalf of the Respondent, Thomas Egan, copies of which are herewith served upon you.

Respectfully Submitted,

WALSH, FEWKES & STERBA

By:



 David A. Fewkes

WALSH, FEWKES & STERBA
 Attorney for Respondent
 7270 W. College Drive, Suite 101
 Palos Heights, IL 60463
 (708) 448-3401 (ph)
 (708) 448-8022(fax)
 Attorney No. 56616
Dfewkes@wfstriallaw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ANNA ANDRUSHKO,)	
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Complainant,)	
)	PCB 23 – 133
v.)	
)	
THOMAS EGAN,)	
)	
Respondent.)	

**RESPONSE OPPOSING COMPLAINANT’S MOTION FOR INTERLOCUTORY
APPEAL**

NOW COMES the Respondent, Thomas Egan, by and through his attorneys, Walsh, Fewkes & Sterba, P.C., and hereby submits this Response in Opposition to Complainant’s Motion for Interlocutory Appeal, and in support thereof states as follows:

I. INTRODUCTION

Complainant seeks interlocutory review of routine discovery rulings issued by the Hearing Officer on December 3, 2025. The Motion improperly attempts to recast dissatisfaction with discovery outcomes as alleged legal error. The rulings at issue involve no controlling question of law or procedure and fall squarely within the Hearing Officer’s broad discretion to manage discovery.

II. STANDARD FOR INTERLOCUTORY APPEAL

Interlocutory appeal is an extraordinary remedy and is granted only in limited circumstances. Certification is appropriate only where a ruling involves a controlling question of law or procedure, there is substantial ground for difference of opinion, and immediate review would materially advance the termination of the proceeding. Discovery rulings concerning relevance, scope, and sufficiency of responses do not meet this standard.

III. THE HEARING OFFICER PROPERLY EXERCISED HIS DISCRETION

1. The Hearing Officer evaluated each interrogatory individually and issued reasoned rulings grounded in relevance, proportionality, and procedural fairness.
2. Where factual information was relevant and discoverable, responses were required.
3. Where interrogatories were argumentative, speculative, duplicative, or sought legal conclusions or expert opinions, the Motion to Compel was properly denied.
4. The Board has consistently recognized that discovery is not unlimited and must be reasonably tailored to admissible evidence.

IV. NO CONTROLLING QUESTION OF LAW OR PROCEDURE EXISTS

1. The Motion raises no unsettled legal issue and identifies no conflicting Board precedent.
2. Instead, Complainant disputes the level of narrative detail provided, the framing of objections, and the Hearing Officer's assessment of adequacy.
3. These issues are quintessential discovery management determinations entrusted to the Hearing Officer's discretion and are not appropriate for interlocutory review.

V. INTERLOCUTORY REVIEW WOULD NOT ADVANCE THIS PROCEEDING

1. Respondent has provided sufficient discovery responses to permit Complainant to prepare for hearing.
2. Any remaining disputes regarding credibility, mitigation, or weight of evidence are properly addressed through testimony and cross-examination at hearing.

VI. COMPLAINANT HAS NOT DEMONSTRATED PREJUDICE

1. Complainant's assertions of irreparable harm are speculative and unsupported.

2. The challenged rulings do not bar Complainant from presenting evidence or advancing her nuisance claims.
3. The rulings merely prevent discovery from becoming a substitute for trial.

VII. CONCLUSION

1. Because the Motion fails to present a controlling question of law or procedure and because the Hearing Officer acted well within his discretion, interlocutory appeal is unwarranted.

WHEREFORE, Respondent respectfully requests that the Illinois Pollution Control Board DENY Complainant's Motion for interlocutory Appeal in its entirety.

Respectfully Submitted,

WALSH, FEWKES & STERBA

By: 
One of the attorneys for Respondent

David A. Fewkes
WALSH FEWKES & STERBA
7270 W. College Drive, Ste. 101
Palos Heights, IL 60463
Attorney No. 56616
(708) 448-3401
Dfewkes@wfstriallaw.com