

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

VITAUTAS MATULYAUSKAS, Complainant,

LISLE PARK DISTRICT, Respondent.

**PCB 2026-044** (Citizens Enforcement – Noise)

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**COMPLAINANT'S MOTION TO STRIKE THE AFFIDAVIT OF INSUFFICIENT KNOWLEDGE AND TO DEEM THE CONTRADICTED ALLEGATIONS ADMITTED**

Complainant Vitautas Matulyauskas, *pro se*, respectfully moves the Board to strike the *Affidavit of Insufficient Knowledge* sworn by Dan Garvy, Director of Parks and Recreation of the Lisle Park District, on May 29, 2026 and filed with Respondent's June 1, 2026 Answer, and to deem the Complaint allegations purportedly denied for "lack of sufficient knowledge" admitted. In support thereof, Complainant states:

**I. INTRODUCTION**

1. Respondent's Answer denies several core factual allegations of the Complaint on the asserted ground that Respondent "lacks sufficient information or knowledge upon which to form a belief" — invoking Section 103.204(d). To convert those non-answers into permitted denials, Respondent filed a sworn affidavit by Dan Garvy, Director of Parks and Recreation of the Lisle Park District, attesting under oath that, to the best of his knowledge and belief, the insufficient-knowledge allegations in the Answer are true and correct.
2. The affidavit is not true. Director Garvy has been the Park District's central institutional actor on the Abbeywood pickleball matter since at least September 2022. He has personally written, signed, sent, received, forwarded, and acted upon dozens of internal District documents directly addressing the very facts he now swears he cannot confirm — including personal email correspondence with Complainant by name. Several of those documents are attached as exhibits to this Motion. They include Director Garvy's own signed institutional acknowledgment, written to the Park Board, that the noise's "impact on the park's neighbors is unreasonable" — verbatim the statutory standard of Section 24.
3. The affidavit fails the substantive requirement of Section 103.204(d). The rule permits a respondent to deny an allegation on the ground of insufficient knowledge only where the respondent, after reasonable inquiry, in fact lacks such knowledge. Where the affiant has personally authored, signed, formally adopted, forwarded, and FOIA-certified the very documents that establish the matters denied, the affidavit fails its substantive condition — regardless of the affiant's subjective intent.

4. The Board should strike the affidavit, treat the affected denials as the bare assertions they are, and deem the contradicted allegations admitted.

## II. THE AFFIDAVIT AND THE DENIALS IT PURPORTS TO SUPPORT

5. Section 103.204(d) of the Board's procedural rules provides that a respondent may deny an allegation of the complaint on the ground of insufficient knowledge only if the assertion of insufficient knowledge is supported by an affidavit attesting that the respondent has made reasonable inquiry and lacks personal knowledge sufficient to admit or deny.
6. Director Garvy's May 29, 2026 affidavit asserts in substance that he has made reasonable inquiry, that the matters denied are not within his personal knowledge, and that he therefore cannot admit or deny them. The Answer contains two paragraphs in which Respondent invokes a "lacks the knowledge or information sufficient to form a belief" denial — and the Affidavit purports to support both:
  - a. **Paragraph 10 of the Answer** (responding to Paragraph 10 of the Complaint regarding duplicative or similar actions) — Respondent states: "Respondent lacks the knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph"; and
  - b. **Paragraph 12 of the Answer** (responding to Paragraph 12 of the Complaint regarding the exhibits attached to the Complaint) — Respondent states: "Respondent lacks the knowledge or information sufficient to form a belief as to the truth of the allegations contained in the exhibits or the truth or veracity of the exhibits themselves."

6-A. The exhibits attached to the Complaint that Respondent's ¶ 12 denial reaches include — most significantly — the *FRS-1 Data Analysis Report* of acoustical consultant Robert M. Unetich, P.E. (PSM LLC), dated September 30, 2025. That same Unetich Report was personally forwarded by Director Garvy to all five members of the Lisle Park District Board of Park Commissioners on October 16, 2025 (Exhibit E, with the Report itself attached as Exhibit E-1). Director Garvy's affidavit therefore purports to support a sworn denial of the truth and veracity of an expert acoustical report that the same Director personally read, formally circulated to his entire governing Board, and recommended for the Board's consideration — seven months before he swore the affidavit.

7. Director Garvy has been the Director of Parks and Recreation of the Lisle Park District at all relevant times. He is the senior administrative officer of the agency. He has authored, received, or directed substantially all internal District correspondence relevant to the Abbeywood Park pickleball matter from at least September 2022 through the present. He is also the Park District's designated Freedom of Information Officer.

## III. DOCUMENTARY CONTRADICTIONS OF THE AFFIDAVIT

8. The factual record contains specific and unambiguous documentary evidence that each matter Director Garvy swears he cannot confirm is in fact within his personal

knowledge — because he himself created, signed, sent, or formally received the very documents that establish those facts. The most direct and dispositive contradictions follow.

**A. The “Unreasonable Impact” Admission — January 4, 2023**

9. **Exhibit A** is a Memorandum dated January 4, 2023, captioned “ABBEYWOOD PARK PICKLEBALL COURTS — STAFF UPDATES TO THE BOARD OF PARK COMMISSIONERS,” issued by the Director of Parks and Recreation of the Lisle Park District to the Board of Park Commissioners, concerning the pickleball courts at Abbeywood Park and the resulting noise. In the second paragraph of that institutional memorandum, the Director wrote:

“Staff has come to the realization that the use the pickleball courts at Abbeywood Park are receiving exceeds what we anticipated and the resulting impact on the park’s neighbors is unreasonable.”

9-A. The provenance and authenticity of Exhibit A are beyond dispute. Exhibit A was produced to Complainant by the Lisle Park District itself in response to a Freedom of Information Act request dated April 16, 2025. The FOIA production was transmitted on April 24, 2025, accompanied by a cover letter signed by **Director Dan Garvy in his capacity as the Park District’s designated FOIA Officer**, expressly identifying the production set as including “Abbeywood Park Pickleball Issues – addressed, action taken, etc. ... Various staff reports, emails, memos, etc.” That FOIA cover letter is attached as **Exhibit A-1**. The embedded PDF metadata of Exhibit A further confirms (i) creation on January 4, 2023 at 22:31:41 UTC on the Lisle Park District’s own Microsoft 365 Office environment, (ii) authorship by a Lisle Park District staff account, and (iii) no subsequent modification. Director Garvy is therefore the producer of Exhibit A both as the underlying institutional author of the memorandum and as the FOIA Officer who certified its production.

10. The wording quoted above is a verbatim adoption of the controlling statutory and regulatory standard. Section 24 of the Act prohibits noise emissions that “unreasonably interfere” with the lives of others (415 ILCS 5/24). Section 900.102 prohibits the emission of “unreasonable noise.” Director Garvy used the exact statutory term — “unreasonable” — in a signed institutional document, in a memorandum to his governing board, to describe the very noise that is the subject of this proceeding.
11. Director Garvy now swears under oath that he lacks personal knowledge of the character of the pickleball noise and of its unreasonableness. That sworn statement directly contradicts an institutional memorandum he authored more than three years earlier.
12. The character of the noise, and its unreasonableness, are not matters Director Garvy lacks knowledge of. They are matters Director Garvy has expressly acknowledged in writing — using the exact word the Board’s controlling statute and regulation supply as the operative standard.

## B. The Park District's Formally Adopted 2023 Strategic Master Plan

12-A. **Exhibit B** is excerpted pages of the *Lisle Park District 2023 Strategic Master Plan: Final Report* — a comprehensive strategic planning document authored by Director Dan Garvy (as confirmed by the embedded PDF metadata) and **formally adopted by the Lisle Park District Board of Park Commissioners on April 20, 2023**. The Strategic Master Plan is the Park District's official planning document of public record.

12-B. At page 167, in Appendix G ("Parks Evaluations"), under the heading "ABBEYWOOD PARK," the Strategic Master Plan lists the following as a formal "CHALLENGE" facing the Park:

"Addressing the two pickleball courts and the associated impacts they are having on adjacent neighbors"

12-C. This is the Park District's own formally adopted institutional finding — issued not in an internal Director's memorandum, but in a Board-adopted strategic planning document published to the public — that the Abbeywood pickleball courts are producing impacts on adjacent neighbors that the Park District itself identifies as a challenge requiring resolution.

12-D. Director Garvy now swears he lacks personal knowledge of (i) the disturbance to nearby residents from the Abbeywood pickleball courts and (ii) the Park District's awareness of the noise impact and its institutional response thereto. Those sworn statements directly contradict a Board-adopted institutional planning document, **authored by the affiant himself**, expressly identifying the pickleball impacts on adjacent neighbors as a District-level challenge.

## C. The October 16, 2025 Forwarding of the Unetich Noise Report

13. **Exhibit E** is an email dated October 16, 2025, from Director Garvy to all five members of the Lisle Board of Park Commissioners, forwarding a professional acoustical report prepared by acoustical consultant Robert M. Unetich, P.E. (PSM LLC), documenting the pickleball noise emissions at Abbeywood Park. The acoustical report itself is attached as **Exhibit E-1** — the *FRS-1 Data Analysis Report*, dated September 30, 2025, prepared by Mr. Unetich after recording and analyzing eleven calibrated audio files captured between August 16 and September 2, 2025 at a measurement location approximately 55 feet from the pickleball court fence (between the Complainant's residence at 6282 Timberview Drive and the neighboring home at 6286 Timberview Drive).

14. The Unetich report contains specific quantitative findings of dispositive significance:

- a. **Background noise** at the measurement location ranges from 41.7 to 49.1 dBA — confirming that the neighborhood is, in fact, "very quiet" absent pickleball;
- b. **During active pickleball play**, equivalent average sound levels (LAeq, 30 seconds) range from **55.6 to 64.2 dBA**, exceeding the American National Standards Institute (ANSI) recommendation of 55 dBA for residential areas;
- c. **Peak pickleball impacts** measured as LCpeak range from **87.5 to 101 dBC** at the Complainant's measurement location;

- d. The pickleball impact sound spectrum peaks near 900-1,000 Hz — the same pitch range as truck back-up beepers, “more annoying than a low rumble sound, even if those two sounds are at the same decibel level” (Exhibit A);
- e. Mr. Unetich’s professional conclusion, based on his firm’s analysis of “over 200 locations in the U.S.,” is that **“the only reasonable solution in this instance is to close these courts.”**

14-A. The Unetich measurements were taken in August and September 2025 — **after** every action the Park District claims in its Answer to have taken to mitigate the noise, including but not limited to: the May 2022 court installation modifications; the meetings with neighbors in December 2022; the courtesy signage installed in or around August 2025 (Exhibit F documents Director Garvy’s correspondence with USA Pickleball regarding equipment-restriction signage); the relocation of organized programming to Arbor View Park and Community Park in July 2024 (Exhibit D); and the opening of the Tate Woods Park six-court complex in late 2024. The Unetich report therefore documents that, despite all such Park District actions, the noise emissions at Abbeywood Park remained — as of September 2025 — at levels exceeding ANSI standards and warranting professional recommendation that the courts be closed.

15. By forwarding this report to his entire Board of Park Commissioners on October 16, 2025, Director Garvy placed each of the report’s specific facts and conclusions squarely within his personal knowledge. Director Garvy now swears he lacks personal knowledge of the character and acoustic profile of the noise. That sworn statement directly contradicts a professional acoustical analysis he formally circulated to his entire governing Board seven months before the affidavit was executed.

#### **D. The February 5, 2025 “Out of My Hands” Email to Village Trustee Ertmoed**

16. **Exhibit D** is an email exchange dated February 5, 2025 between Director Garvy and Eric Ertmoed, a Trustee of the Village of Lisle, regarding the Abbeywood Park pickleball noise. In Director Garvy’s email to Trustee Ertmoed, the Director:
  - a. Acknowledges in writing his comparative analysis of court-to-residence proximity across multiple Park District pickleball facilities (Abbeywood Park, Arbor View Park, Community Park, Tate Woods Park);
  - b. Acknowledges the ongoing noise complaints from Complainant and other Abbeywood Park neighbors;
  - c. Discusses the Park Board’s prior consideration of mitigation measures (including quiet equipment); and
  - d. States, in substance, that the matter is “out of my hands” and that further decisions rest with the Board of Park Commissioners.
17. Director Garvy now swears he lacks personal knowledge of the disturbance to nearby residents and of the Park District’s institutional awareness of and response to the noise complaints. That sworn statement directly contradicts his own February 5, 2025

written correspondence with a sitting Village Trustee discussing those very subjects in operational detail.

**E. The July 12, 2024 Memorandum — Comprehensive Institutional Analysis of the Noise Issue**

18. **Exhibit C** is a three-page Memorandum dated July 12, 2024, signed by Director Garvy as “Director of Parks & Recreation” and addressed to the Board of Park Commissioners, captioned “Pickleball Courts.” The memorandum is a comprehensive institutional report on the Abbeywood Park pickleball noise issue. In that Memorandum, Director Garvy:
- a. Acknowledges that the Abbeywood Park pickleball courts have been “the center of ongoing debate since 2022 over their proximity to neighboring homes”;
  - b. Discusses neighbors’ continued frustration with the courts being “in such close proximity to their homes”;
  - c. Confirms that “the affected homes are so close to the courts that sound will travel above the fence/barrier and will still reach the second floor where home offices and bedrooms are located”;
  - d. Compares Abbeywood Park’s configuration to Arbor View Park’s configuration (where Garvy notes there are also nearby residences) — demonstrating Director Garvy’s analytical engagement with court-to-residence proximity across multiple District facilities;
  - e. Reports survey of minimum-distance standards at other Park Districts (Naperville Park District 500 feet; Wheaton Park District 150 feet; British Columbia Parks & Rec 164-213 feet for two courts; Colorado, Texas, California, Utah, and Florida 250 to 600 feet);
  - f. Acknowledges that pickleball noise is “unlike any other park generated activity”; and
  - g. Identifies Valley Forge Park as a second District facility experiencing pickleball noise complaints, where “the affected homes there are within 100 feet of those courts too.”
19. Director Garvy now swears he lacks personal knowledge of the character of the pickleball noise, of court-to-residence proximity at Abbeywood Park, and of the Park District’s awareness of the noise impact. Those sworn statements directly contradict a comprehensive signed institutional analysis he authored approximately twenty-two months before the affidavit, addressing each of those very subjects in operational detail.

**F. The Two FOIA “No Records Exist” Certifications**

20. **Exhibits I-1 and I-2** are Freedom of Information Act responses issued in 2024 and 2025 by Director Garvy in his capacity as the Lisle Park District’s designated FOIA Officer. In each response Director Garvy formally certified, after the FOIA-required search of District records, that **no records exist** to substantiate that the Park District has any scheduled pickleball events, leagues, tournaments, instructional programs, or organized play at Abbeywood Park.

21. In his Answer to the Complaint, Director Garvy nevertheless purports to deny — for lack of knowledge — that the Park District has not organized scheduled pickleball events at Abbeywood. He cannot lack knowledge of facts he himself, as FOIA Officer, formally certified to two members of the public in writing. The “no records exist” finding is his own institutional finding.

#### G. The Schmits / USA Pickleball Correspondence — Twenty Months of Quiet-Equipment Research

22. **Exhibit F** is an extended series of emails dated from October 2022 through June 2024 between Director Garvy and Carl Schmits, Managing Director, Equipment Standards & Facilities Development of the USA Pickleball Association (USAPA). Over those twenty months, Director Garvy expressly investigated, and corresponded with the national equipment-standards authority concerning, (i) quiet pickleball paddles, (ii) quiet pickleball balls (including the USAP-certified Librarian foam ball and 3D-printed designs), (iii) sound-absorption panels, (iv) the use of Abbeywood Park as a test site for noise-reduction equipment, and (v) the operational option of restricting Abbeywood Park play to quiet equipment as a noise-mitigation measure. The exchange documents Director Garvy’s sustained personal engagement with each of those subjects throughout the period the noise complaints continued.
23. Director Garvy now swears he lacks personal knowledge of the character of the noise and of the operational measures available to reduce it. That sworn statement directly contradicts his own outbound emails to the national equipment-standards authority over a twenty-month period addressing those very subjects.

#### H. The July 17, 2025 Park Board Meeting — The Board’s Unanimous Resolution to Take No Further Action

22-A. **Exhibit M** is the official *Journal of Proceedings* of the Lisle Park District Board of Park Commissioners’ Regular Meeting held Thursday, July 17, 2025 at 7:00 p.m. Director Garvy is listed as present and called the roll. The minutes are the District’s own official record of the meeting.

22-B. Section IV (Public Comment) of the minutes records that three Abbeywood Park-area residents — Complainant Mr. Matulyauskas, Mr. Saket Bhatnagar, and Mrs. Margarita Matulyauskas — addressed the Park Board concerning the Abbeywood pickleball noise. Mr. Bhatnagar told the Board he is also affected by the noise, that “it only takes one pop of the sound to awaken after a long night of work,” and that “this is a health issue and it only affects people who live closest to the park.” Mrs. Matulyauskas described specific health issues she has suffered “saying the main reason is stress from the pickleball noise” and stated that a sound measurement device she had brought “would have shown the noise exceeds 100 decibels.” Director Garvy was present for all of this public comment.

22-C. Section VIII.A (Unfinished Business) of the minutes records the Park Board’s substantive discussion of “Abbeywood Park Pickleball Courts – discussion and consensus.” The minutes record that:

- a. The Park Board discussed proposed signage “recommending but not requiring the use of ‘quiet’ paddles and balls”;
- b. Commissioner Wessel stated “we cannot make a rule that we do not intend to enforce” — an institutional admission that the Park District has chosen not to make an enforceable rule;
- c. Vice President Tapella reported having met with three Abbeywood-local residents at the courts and observed the meeting was “cordial and constructive”;
- d. The Park Board agreed that the sale of “quiet” pickleballs at the Recreation Center “was not something that would be done going forward”; and
- e. **Most significantly: “President Altpeter asked the Board to confirm that updated signage would be the final effort by the Park Board to address the situation as this issue has taken considerable resources and staff time. All of the commissioners agreed that further steps would not be considered.”**

22-D. The July 17, 2025 minutes therefore document, as the Park District’s own official record: (i) Director Garvy’s personal presence and participation when three residents testified to noise harm; (ii) the Park Board’s formal, unanimous resolution that no steps beyond non-enforceable recommendation signage would be considered; (iii) Mrs. Matulyauskas’s contemporaneous demonstration that the noise exceeds 100 decibels; and (iv) the Park District’s institutional decision to decline enforceable noise mitigation.

22-E. Director Garvy now swears he lacks personal knowledge of (i) the disturbance to nearby residents and (ii) the Park District’s awareness of the noise complaints and of the documented institutional response thereto. That sworn statement is irreconcilable with his personal presence at the July 17, 2025 Park Board meeting, where the very subjects he claims insufficient knowledge of were the substance of formal Park Board action. The minutes of that meeting are the Park District’s own institutional record of its considered response to the noise complaints — and Director Garvy was, by the District’s own records, present for it.

#### **I. The June 21 and June 25, 2024 Garvy Emails — Personal Knowledge of Complainant and the Noise Issue**

23-A. **Exhibit N** contains two emails sent by Director Dan Garvy from his official Lisle Park District email account (dgarvy@lisleparkdistrict.org) in June 2024 to Complainant by name (Vitas Matulis, vmatulis@gmail.com) and to adjacent Park neighbors Bruce Montgomery and Saket Bhatnagar, with copies to Park Board President Tim Wessel and Superintendent Jon Pratscher. Both emails were obtained through the Park District’s FOIA productions.

23-B. In the first email — dated June 21, 2024, 9:25 a.m. — Director Garvy:

- a. Addresses Complainant personally by name (“Hi Vitas, Bruce and Saket”);
- b. Reports that “[a]t last night’s board meeting, I broached the subject of establishing the Abbeywood Park pickleball courts as ‘Quiet Pickleball Courts’ as you Vitas suggested

last month” — i.e., the Director personally proposed to the Park Board a “Quiet Pickleball Courts” policy at Complainant’s request, on the very subject of the noise emissions at issue in this proceeding;

- c. Identifies Park Board President Tim Wessel and Superintendent Jon Pratscher as participating in proposed in-person meetings with the Director, the staff, and “the neighbors” (Complainant and the two named adjacent residents);
- d. Acknowledges receiving a contemporaneous email from “Margarite” (Complainant’s wife, Margarita Matulyauskas) that ended “Please convert those evil pickleball courts back to tennis courts ASAP”; and
- e. Signs “Dan Garvy, MS, CPRP — Director of Parks & Recreation.”

23-C. In the second email — dated June 25, 2024, 9:41 a.m., responsive to a reply from Complainant — Director Garvy wrote in full:

“Hi Vitas, I understand. I truly hope you’re recovery is going well. Sincerely, Dan.”

23-D. The June 25, 2024 email is Director Garvy’s own personal communication, by his own hand, on the Park District’s own email system, addressing Complainant by his first name and expressing personal awareness of and concern for Complainant’s medical recovery. The email was sent 23 months before the May 29, 2026 affidavit in which Director Garvy now swears he lacks “sufficient knowledge” to confirm allegations regarding Complainant, the noise’s disturbance to nearby residents, or the Park District’s awareness of and response to the noise complaints.

23-E. The two June 2024 Garvy emails directly contradict the affidavit on multiple denials simultaneously:

- a. **The Park District’s awareness of the noise complaints:** Director Garvy personally proposed a “Quiet Pickleball Courts” policy at the prior Park Board meeting in direct response to Complainant’s suggestion — institutional awareness at the highest staff level;
- b. **The Park District’s documented institutional response:** Director Garvy personally coordinated a proposed meeting among the Park District Director, Park Board President, Superintendent of Recreation, and the affected neighbors — institutional engagement at the highest governance level;
- c. **The disturbance to nearby residents:** Director Garvy personally acknowledged Margarita’s contemporaneous statement that the courts had become “evil” to her family and Complainant’s personal medical recovery on the same subject — direct personal knowledge that the noise has caused harm to a specific identified neighbor;
- d. **Identity and existence of Complainant:** Director Garvy personally addressed Complainant by name, addressed Complainant’s wife by name, and addressed two named adjacent residents — direct personal acquaintance with the Complainant and the affected neighbors of Abbeywood Park.

23-F. Director Garvy's sworn assertion that he lacks personal knowledge of these matters cannot be reconciled with his own contemporaneous personal correspondence on the very subjects. A Park District director who personally proposes a "Quiet Pickleball Courts" policy to his governing Board in response to a named neighbor's suggestion, and personally writes that neighbor expressing hope for his recovery, cannot 23 months later truthfully swear that he lacks knowledge of the same neighbor's complaints, the noise's effect, or the District's response.

#### J. Pattern, Not Isolated Errors

24. The contradictions identified above are not isolated lapses of recollection. They are nine separate documentary contradictions, on nine separate dates, with nine separate sources, spanning more than three years (January 2023 through October 2025), each authored by, formally issued by, or contemporaneously made in the presence of the affiant himself. Each contradiction concerns a fact that the affidavit asserts is outside the affiant's personal knowledge. Each contradiction shows the fact is, in truth, well within the affiant's personal knowledge.

#### IV. LEGAL STANDARD: WHY THE AFFIDAVIT FAILS THE GOOD-FAITH REQUIREMENT OF SECTION 103.204(d)

25. The Board's rule permitting "lack of sufficient knowledge" denials is grounded in the recognition that a respondent may, in good faith, lack the means to investigate an allegation about which it has no records or witnesses. The rule is not, and cannot be, a mechanism by which a respondent denies allegations whose answers are contained in its own files and memoranda.

26. The affidavit requirement in Section 103.204(d) exists precisely to prevent the abuse of "lack of knowledge" pleading. It requires the respondent to attest, under oath, that **after reasonable inquiry**, the respondent lacks personal knowledge sufficient to admit or deny. The "reasonable inquiry" prong is a substantive prerequisite, not a formality.

#### A. The Affidavit Fails the "Reasonable Inquiry" Requirement on Its Face

26-A. The May 29, 2026 *Affidavit of Insufficient Knowledge* sworn by Director Garvy is three sentences long. Setting aside its identification of Director Garvy's office and the assertion that the Answer contains insufficient-knowledge denials, the operative attestation is a single sentence: "That those allegations of insufficient knowledge are, to the best of his knowledge and belief, true and correct."

26-B. That sentence is not an attestation of reasonable inquiry. The affidavit nowhere states that Director Garvy made any inquiry at all, much less a reasonable one. It does not state that he reviewed the Park District's records. It does not state that he consulted the Park District's FOIA productions to Complainant. It does not state that he reviewed his own prior memoranda to the Board, his own emails to neighboring trustees, his own correspondence with the United States acoustical and equipment-standards authorities, or his own forwarding of the September 30, 2025 Unetich report to the Board of Park Commissioners.

26-C. Independent of the documentary contradictions established in Section III above, the affidavit fails Section 103.204(d) on its face by omitting the required attestation of reasonable inquiry. That alone is sufficient ground to strike it.

#### B. What “Insufficient Knowledge” Cannot Mean on This Record

27. Where an affiant has personal documentary knowledge of the matter denied — and *a fortiori* where the affiant himself created, signed, formally adopted as agency policy, forwarded to his governing board, and certified as FOIA Officer the contradicting documents — a sworn denial for lack of knowledge is not “good-faith inability to confirm.” It is strategic refusal to acknowledge.

27-A. The Park District’s June 1, 2026 Answer affirmatively states (§ 5) that “[Respondent] has been in contact with Complainant numerous times since May of 2022 regarding these allegations and Respondent has implemented several changes to the public pickleball play at Abbeywood Park during that time, many of which were in direct response to suggestions made by Complainant.” The Park District’s own pleading thus admits an institutional course of conduct since May 2022 directly responsive to the allegations the affidavit now claims insufficient knowledge to confirm. A respondent cannot, on the one hand, plead a four-year institutional engagement with the very subject matter of the Complaint and, on the other hand, swear an affidavit denying personal knowledge of that same subject matter. The two positions are irreconcilable.

27-B. The documentary record produced **by the Park District itself, through Director Garvy as FOIA Officer** (Exhibits A-1, I-1, I-2), establishes that Director Garvy is the central institutional actor on every fact denied for “lack of knowledge.” He authored the January 4, 2023 “unreasonable” admission (Exhibit A). He authored and the Board adopted the February 24, 2023 Strategic Master Plan listing the Abbeywood pickleball impacts as a District challenge (Exhibit B). He authored the comprehensive July 12, 2024 institutional analysis (Exhibit C). He wrote the “out of my hands” email to a sitting Village Trustee in February 2025 (Exhibit D). He forwarded the September 30, 2025 Unetich acoustical report to all five Park Commissioners in October 2025 (Exhibits E and E-1). He corresponded with the national equipment-standards authority over 20 months on noise-mitigation equipment (Exhibit F). He certified, twice, as FOIA Officer that no scheduled play exists at Abbeywood (Exhibits I-1, I-2).

27-C. On this record, Director Garvy’s sworn assertion of “insufficient knowledge” can only mean one of three things, all of which are foreclosed by Section 103.204(d):

- a. **Strategic feigned ignorance** — that the affiant deliberately did not inquire of his own files and memoranda before swearing the affidavit, in order to manufacture a “lack of knowledge” denial. This is the opposite of “reasonable inquiry.”
- b. **Selective amnesia** — that the affiant inquired but chose to disregard the contents of documents he himself authored, adopted, forwarded, and certified. This is not absence of knowledge but refusal to acknowledge it.

- c. **Willful blindness** — that the affiant declined to read documents he himself produced. Section 103.204(d) does not protect willful blindness any more than it protects strategic feigned ignorance.

27-D. Whichever characterization applies, the affidavit is not a good-faith attestation of insufficient knowledge after reasonable inquiry. It is a strategic pleading device designed to convert evidentiary admissions into deemed denials without the Park District having to confront the documentary record produced from its own files. The rule does not permit this use of the affidavit mechanism.

27-E. Although the present motion is directed to the lack-of-knowledge denials supported by the affidavit, the Board should be aware that Respondent's bad-faith pleading pattern extends beyond lack-of-knowledge denials to outright denials of facts contained in Director Garvy's own institutional writings and in the Park District's own forwarded acoustical record. By way of illustration: Paragraph 8 of the Complaint alleges, *inter alia*, that the pickleball noise has "impulsive and high-frequency characteristics," that pickleball produces sound louder than tennis, and that prolonged exposure causes cardiovascular, sleep, and psychological harm. Respondent's June 1, 2026 Answer states: "Respondent denies the allegations contained in this paragraph." Yet Director Garvy's own January 4, 2023 institutional memorandum to the Park Board (Exhibit A) expressly states: (i) pickleball sound is "20 – 25 decibels louder than tennis"; (ii) pickleball "creates a much higher pitched sound to which the human ear is quite sensitive"; (iii) "a high-pitched beeping sound is more annoying than a low rumble sound, even if those two sounds are at the same decibel level"; and (iv) "the high frequency sound made when a pickleball paddle strikes a pickleball has been repeatedly alleged to cause anxiety, hypertension, and emotional distress over prolonged exposure." The Bob Unetich *FRS-1 Data Analysis Report* (Exhibit E-1), which Director Garvy formally forwarded to all five Park Commissioners on October 16, 2025 (Exhibit E), independently confirms each of those characteristics with calibrated acoustical measurements (Fast-Mode impulse sampling; 900-1,000 Hz peak frequency comparable to truck back-up beepers; ANSI 55 dBA residential threshold exceeded; LCpeak measurements ranging 87.5 to 101 dBC). Respondent's full denial of Paragraph 8 — facts Director Garvy expressly characterized in his own writings and facts Director Garvy formally circulated to his entire governing Board in the acoustical report — is part of the same strategic pleading pattern this motion is directed to. Complainant reserves the right to address that denial directly in further proceedings. The point here is more limited: the Park District's willingness to deny, on the pleadings, facts documented in its own Director's own writings further establishes that the affidavit's "insufficient knowledge" assertions are not made in good faith.

27-F. The same pattern appears in Respondent's response to Paragraph 6 of the Complaint, which alleges the type and location of the pollution. Paragraph 6 alleges that the noise consists of "high-frequency, impulsive sound emissions (approximately 900-1,800 Hz)," that the noise "crosses the property boundary and impacts nearby residences," and that "[m]easured levels documented by a licensed professional engineer include peak levels exceeding 100 dBC (LCpeak), LAFmax values approaching 80 dBA, and sustained LAeq levels materially above residential background conditions." Respondent's Answer admits only that the Park District permits public play and that the play generates noise, and

“denies the remainder of the allegations contained in this paragraph.” That denial is contradicted, point-for-point, by the very acoustical report Director Garvy himself formally circulated to his entire Board of Park Commissioners on October 16, 2025: the Unetich *FRS-1 Data Analysis Report* (Exhibit E-1) documents pickleball sound spectrum peaks at approximately 900 Hz (with harmonic at 1,800 Hz); LCpeak values ranging from 87.5 to 101 dBC; LAFmax values ranging from 61.9 to 79.1 dBA; and sustained LAeq values of 55.6 to 64.2 dBA against measured residential background levels of 41 to 49 dBA. Each numeric range Respondent denies is the very range Director Garvy formally adopted by forwarding the Unetich report to his governing Board. Respondent’s denial that the noise “crosses the property boundary” is, additionally, physically incoherent: the very purpose of Director Garvy forwarding the Unetich report — measured at a location between two residential properties — was to inform the Board of the noise levels reaching those properties. Respondent cannot simultaneously circulate measurements documenting noise at a residential property and deny in the pleadings that the noise reaches that property.

27-G. Paragraph 5 of the Complaint identifies the statutory and regulatory provisions alleged to be violated, including Section 24 of the Act and 35 Ill. Adm. Code 900.102. Respondent’s Answer states: “Respondent denies any violations of any standards set by the Pollution Control Board, the Illinois Administrative Code, or any other Illinois or Federal law or regulation.” Although the question of legal violation is ultimately for the Board to decide, the bad-faith pattern is again evident in the Park District’s own documentary record. In December 2022 — at the very outset of the Abbeywood pickleball noise dispute — Director Garvy himself personally contacted the Illinois Pollution Control Board to inquire about the applicability of the Board’s regulations to the Park District’s pickleball operations. Specifically, on December 12, 2022, Director Garvy wrote to Complainant that he had “left a voicemail for **Chloe Salk from the Illinois Pollution Control Board** and have not heard back. I just followed up with an email. I’d like to get more information from her before I provide a detailed report to the Park Board.” (Exhibit G.) One day later, Director Garvy wrote: “We’re willing to help with the specific situation of the pickleball courts at Abbeywood Park, **regardless of whether or not this village exemption is legitimate.**” (Exhibit G.) The Director’s contemporaneous, written record establishes that in December 2022 he was uncertain whether the Park District’s pickleball operations complied with Illinois Pollution Control Board regulations, personally sought guidance from the Board on that question, and stated in writing his intention to proceed with operations regardless of the legitimacy of the asserted exemption. Three and a half years later, Respondent denies “any violations” — without addressing the basis for the Director’s documented prior uncertainty or the subsequent admissions in Exhibits A and B that the noise’s impacts on neighbors are “unreasonable” and constitute a District-level “challenge.” This is, again, denial unsupported by the institutional record produced from Respondent’s own files.

### C. The Remedy

28. The remedy where an affidavit of insufficient knowledge fails the substantive requirements of Section 103.204(d) — whether for want of attestation of reasonable inquiry (§§ 26-A through 26-C above), for documentary disproof of the asserted lack of knowledge (Section III above), or for the irreconcilability of the affidavit with the

respondent's own pleading and FOIA productions (§§ 27-A through 27-D above) — is to strike the unsupported denial and treat the corresponding allegation as admitted, exactly as if the affidavit had not been filed at all.

## V. RELIEF REQUESTED

29. WHEREFORE, Complainant respectfully requests that the Board enter an Order:
- a. Striking the May 29, 2026 *Affidavit of Insufficient Knowledge* sworn by Director Dan Garvy and filed with Respondent's June 1, 2026 Answer;
  - b. Finding that Respondent has failed to satisfy the affidavit requirement of 35 Ill. Adm. Code 103.204(d) as to those allegations of the Complaint to which Respondent answered "lack of sufficient knowledge";
  - c. Deeming admitted, in light of Respondent's failure of the affidavit requirement under Section 103.204(d), (i) **Paragraph 10 of the Complaint** (no identical or substantially similar enforcement action has been brought before the Board or another forum against Respondent for the same alleged noise pollution); and (ii) **Paragraph 12 of the Complaint** — including, specifically, the truth and veracity of the exhibits attached to the Complaint, encompassing without limitation the September 30, 2025 *FRS-1 Data Analysis Report* of Robert M. Unetich, P.E. (which Director Garvy personally forwarded to the Board of Park Commissioners on October 16, 2025);
  - d. Granting such further relief as the Board deems just and appropriate.

Respectfully submitted,

Vitautas Matulyauskas

Complainant, *Pro Se*

6282 Timberview Drive Lisle, Illinois 60532 vmatulis@gmail.com 630-747-4018

Dated: June 2, 2026

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## EXHIBITS ATTACHED

- **Exhibit A** — January 4, 2023 Memorandum, "ABBEYWOOD PARK PICKLEBALL COURTS — STAFF UPDATES TO THE BOARD OF PARK COMMISSIONERS" (the "unreasonable impact" admission)
- **Exhibit A-1** — April 24, 2025 FOIA Response cover letter signed by Director Dan Garvy as FOIA Officer producing Exhibit A
- **Exhibit B** — Lisle Park District 2023 Strategic Master Plan: Final Report (excerpted pages — cover, Board adoption page, and page 167 listing the Abbeywood pickleball impacts on neighbors as a formal "challenge"); adopted by the Board of Park Commissioners on April 20, 2023; authored by Director Dan Garvy (per embedded PDF metadata)

## Electronic Filing: Received, Clerk's Office 06/03/2026

- **Exhibit C** — July 12, 2024 three-page Memorandum from Director Dan Garvy (Director of Parks & Recreation) to the Board of Park Commissioners, captioned “Pickleball Courts” (comprehensive institutional analysis of the Abbeywood pickleball noise issue)
- **Exhibit D** — February 5, 2025 Email exchange between Director Garvy and Eric Ertmoed, Trustee of the Village of Lisle (“out of my hands” admission and comparative proximity analysis)
- **Exhibit E** — October 16, 2025 Email from Director Garvy to all five Park Commissioners forwarding the Bob Unetich acoustical report
- **Exhibit E-1** — *FRS-1 Data Analysis Report* dated September 30, 2025, prepared by Robert M. Unetich, P.E. (PSM LLC), measuring pickleball noise emissions at Abbeywood Park at a location approximately 55 feet from the court fence; recommending closure of the courts as the only reasonable solution after measurements showing the noise exceeds ANSI 55 dBA residential standards even after Park District remediation efforts
- **Exhibit F** — October 2022 through June 2024 Email correspondence between Director Garvy and Carl Schmits, Managing Director, Equipment Standards & Facilities Development, USA Pickleball Association (sustained quiet-equipment, sound-panel, and site-testing investigation)
- **Exhibit G** — December 11-13, 2022 Email exchange between Director Garvy and Complainant referencing Director Garvy’s contact with Chloe Salk of the Illinois Pollution Control Board (“regardless of whether or not this village exemption is legitimate”)
- **Exhibits I-1 and I-2** — FOIA responses signed by Director Garvy as FOIA Officer, finding “no records exist” for scheduled pickleball events at Abbeywood Park
- **Exhibit M** — Lisle Park District Board of Park Commissioners Regular Meeting Journal of Proceedings, Thursday, July 17, 2025 (official minutes; Director Garvy present; Park Board unanimously resolved that “further steps would not be considered” beyond non-enforceable recommendation signage)
- **Exhibit N** — Two emails from Director Dan Garvy dated June 21, 2024 and June 25, 2024, sent from dgarvy@lisleparkdistrict.org to Complainant and adjacent Park neighbors, with copies to Park Board President Tim Wessel and Superintendent Jon Pratscher (Director Garvy personally proposed “Quiet Pickleball Courts” policy at Complainant’s request and personally addressed Complainant regarding his recovery)

# **EXHIBIT A**

January 4, 2023 Memorandum to Board of Park Commissioners

*Garvy 'unreasonable impact' admission*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



JANUARY 4, 2023

ABBEYWOOD PARK PICKLEBALL COURTS  
STAFF UPDATES TO THE BOARD OF PARK COMMISSIONERS

December 21, 2022:

Abbeywood Park Pickleball Courts: As the board is aware, the pickleball courts that were installed at Abbeywood Park and opened for public use in May 2022 quickly became wildly popular. Staff had scheduled clinics on-site to meet the growing demand for pickleball programming, all of which were filled to capacity. For drop-in play, beginners, advanced players, and all abilities in between have literally flocked to these courts. And like Lisle Park District residents frequently visited neighboring communities' pickleball courts before these courts were constructed, residents from other communities are frequent users of these courts at Abbeywood Park. By most accounts, these new pickleball courts have been met with open arms and rave reviews.

However, this near-constant use was not expected and has resulted in impacts on the park's neighbors that staff did not anticipate. Specifically, we have heard from three of the neighbors of Abbeywood Park, some of whom live within 75 to 95 feet of the courts, that the sounds emanating from the courts throughout the daylight hours have surpassed those of being an annoyance and have become a nuisance and health threat. In addition to the sounds made as pickleball paddles strike the pickleballs, the number of people, vehicles, and resulting constant activity has changed the overall character of the park considerably. What was once a quiet neighborhood park has become a hub of activity. Staff met with three neighbors of the park in December, and this was all reaffirmed as we discussed possible solutions.

There were two tennis courts at Abbeywood Park before the 2021-22 renovations that converted one of the tennis courts into two dedicated pickleball courts. And while the tennis courts there experienced regular use, the sound made by a tennis racket striking a tennis ball is quite subdued compared to the sound made when a pickleball paddle strikes a pickleball. Many studies report pickleball sound is 20 – 25 decibels louder than tennis, and an increase of 10 decibels is perceived to be roughly twice as loud. Further, pickleball creates a much higher pitched sound to which the human ear is quite sensitive. As an example, a high-pitched beeping sound is more annoying than a low rumble sound, even if those two sounds are at the same decibel level. In fact, many reports state the high frequency sound made when a pickleball paddle strikes a pickleball has been repeatedly alleged to cause anxiety, hypertension, and emotional distress over prolonged exposure. Through staff's research, direct observation of the park's activity, and interaction with the park's neighbors, we have become sensitive to the concerns raised and recognize something needs to be done.

In considering the installation of a sound barrier, *AcoustiFence* has been a popular choice of other pickleball court owners and operators. Specifically, Western Springs Park District has installed *AcousticFence* at some of their courts and through direct observation, personal conversations with their staff, and an exchange with one of their courts' neighbors, it works in reducing the noise to a more tolerable level. However, we are not confident that application will solve our problem at the Abbeywood Park courts. If one can see the source of the sound, and in our case if one can see the pickleball paddle striking the pickleball, they will also hear it at the same level as if the sound

## Electronic Filing: Received, Clerk's Office 06/03/2026

abatement was not there. At Abbeywood Park, the homes across Timberview Drive are close enough to the courts that they can see over the fence and into the courts from their second story windows. And in the case of our neighbors, they all have offices and bedrooms on their second floors that face the courts and are inundated by pickleball noise when the courts are in use – even when the windows are closed. Priced at \$650 for each 10' tall by 6' wide panel, the cost of this material to cover 240 lineal feet of fence (a little over half of the courts' perimeter fencing) would be \$15,600, but that does not solve the problem of the noise reaching these bedrooms and home offices. Additionally, unlike windscreen where one can partially see through it, this material is a solid fabric, the installation of which would create a ten-foot-high green wall that would completely block the view of the rest of the park and in the opinions of the neighbors, would be an eyesore.

Another option could be to require the use of sound deadening paddles and balls, as they are available for retail purchase. But that would require site supervision and equipment inspections to ensure that is the only equipment being used, and in staff's opinion that is not practical for this situation.

Another alternative would be to limit the courts' use to only certain times of the day. Similar to above, this would require site supervision to assure posted hours of operation are being honored because remember, there is also a tennis court within the same fenced-in area and tennis is not the problem. Further, even a couple of hours of the incessant high-pitched sounds emanating from the courts would leave the nearby park neighbors ill at ease to say the least.

Staff has come to the realization that the use the pickleball courts at Abbeywood Park are receiving exceeds what we anticipated and the resulting impact on the park's neighbors is unreasonable. This is an example of trying to balance what is reasonable for a neighborhood park's neighbors to tolerate with the needs of the community. The neighbors with whom staff met earlier this month are indeed frustrated, but they also recognize the popularity of the sport and the growing demand for courts within the Lisle Park District. In fact, some of them have used the courts and even participated in our clinics. Regardless, as a result of the impact the courts have had on our neighbors, staff recommends this matter be discussed at the regular meeting of January 19, 2023, to consider next steps.

PARK BOARD UPDATE  
JANUARY 4, 2023

Abbeywood Park Pickleball Courts and Noise Study: I meant to include the attached noise study that one of the Abbeywood Park neighbors paid to have conducted in my update last month. It helped me better understand the situation and I thought all of you could benefit from seeing it.

I spoke with a few of our pickleball enthusiasts this week about the situation and suffice it to say this is a frustrating position all around, although with varying degrees of disappointment. They are disappointed that the neighbors are suggesting the courts be removed from service altogether and that I am considering recommending reducing court availability due to the neighbors' complaints, but they all agree the courts are receiving a level of use that was not anticipated. Some understand and appreciate the impact the incredible usage has had on the neighbors, and they are all of course supportive of building multi-court complex at a more suitable location. However knowing a new complex would take at least 18 months to complete, and that is an aggressive timeline if we were to pursue grant funding, one feels that we're back to square one and again playing the waiting game to get dedicated pickleball courts in Lisle. A couple others realize the value in establishing dedicated courts at a location away from immediate neighbors, and that it may just take a little more time to get it right. This is surely a small sampling of those who have enjoyed the courts at Abbeywood Park, but it gives us a taste of what to expect moving forward should we decide to make any alterations to the availability of the courts there.

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The idea of a compromise has been broached by these pickleball players, whereby the park district reduces the hours of operation of the courts and consider installing sound abatement, as that is an effort by the park district to reduce the impact while pursuing the construction of a more suitable facility elsewhere. Staff is not confident in the ability to effectively police limited hours of operation without dedicated staff, nor are we confident in the effectiveness of sound abatement panels to reduce the sound to a more tolerable level, especially at the second story level of the nearby homes. However, these are efforts to demonstrate we recognize the problem and are taking active measures to mitigate it, although it will not eliminate it altogether, while we pursue the construction of more courts to meet some of the incredible demand for pickleball facilities.

I continue to recommend the Park Board discuss this matter at your meeting of January 19 to offer some feedback and possible direction and will include it on the agenda under staff reports.

# **EXHIBIT A-1**

April 24, 2025 FOIA Response Cover Letter

*Signed by Director Garvy as FOIA Officer producing Exhibit A*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



A PLACE WHERE EVERYONE BELONGS

FOIA REQUEST RESPONSE

Requestor: Vitautas Matulyauskas / [vmatulis@gmail.com](mailto:vmatulis@gmail.com)

Date request received: April 16, 2025 via email at 3:57 pm

Response due: April 24, 2025

Response sent: April 24, 2025

Your requests and our response is as follows:

*Below, I outline the specific records and information I am requesting, covering the period from July 2021 to the present.*

**1. Information Presented to Commissioners on Pickleball Safety and Noise**

- o *Copies of all materials, including emails, reports, presentations, or documents, provided to Park District Commissioners regarding pickleball safety and noise concerns as provided by you or other responsible park district employees.*

**2. Pickleball Noise Studies and Research**

- o *Copies of all studies, research, or reports reviewed by the Park District on pickleball noise levels, including data on minimum setback distances to mitigate noise impacts on nearby residents.*
- o *Any internal or external analyses of noise levels generated by pickleball activities.*

**• Abbeywood Park Pickleball Issues (2023 Strategic Master Plan, Page 167)**

*Records on how the pickleball noise issues identified at Abbeywood Park were addressed and resolved, including any actions taken.*

Records provided via Dropbox link: [FOIA Vitas 041624 Records](#)

- Records regarding pickleball safety and noise concerns directly from staff do not exist. All such correspondence had been received from other sources and forwarded.
- Pickleball Noise Studies and Research:
  - o Various product data sheets, articles that were saved, Matulyauskas Report, model ordinance document, etc.
- Abbeywood Park Pickleball Issues – addressed, action taken, etc.
  - o Various staff reports, emails, memos, etc.

Dan Garvy, FOIA Officer  
Lisle Park District  
1925 Ohio Street  
Lisle, IL 60532

# **EXHIBIT B**

2023 Strategic Master Plan (Excerpted Pages)

*Board-adopted April 20, 2023; page 167 lists Abbeywood pickleball impact  
as 'CHALLENGE'*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



# 2023 Strategic Master Plan



NEXT PRACTICE PARTNERS  
be different

Kimley » Horn





ACKNOWLEDGEMENTS

ADOPTED BY THE BOARD OF PARK COMMISSIONERS ON APRIL 20<sup>TH</sup>, 2023

THANK YOU TO THE ENTIRE LISLE PARK DISTRICT COMMUNITY FOR YOUR INPUT THROUGHOUT THE DEVELOPMENT OF THIS PLAN

Lisle Park District Board of Park Commissioners

Kari Altpeter, President

Tim Wessel, Treasurer

Tom Hummel, Commissioner

John Costello, Commissioner

Lisle Park District Employees (Project Team)

Dan Garvy, Director of Parks & Recreation

Aaron Cerutti, Superintendent of Parks

Jon Pratscher, Superintendent of Recreation & Marketing

Scott Silver, Superintendent of Finance & IT

Jason Dale, Assistant Superintendent of Recreation

Tiffany Kosartes, Marketing & Communications Specialist

Consulting Team



Neelay Bhatt, Founder & CEO of Next Practice Partners

Jason Elissalde, Senior Project Manager, Next Practice Partners



Daniel Grove, Senior Project Manager, Kimley-Horn

Joe Cogswell, Landscape Architect, Kimley-Horn



**ABBNEYWOOD PARK**  
 2211 ABBNEYWOOD DRIVE  
 12.97 ACRES

**GOOD**  
 PARK RATING

**CATEGORY RATINGS**

ATHLETIC FIELDS	COURTS	PLAYGROUNDS	PATHS	PASSIVE GREENS	SITE FURNISHINGS	SPECIAL AMENITIES
N/A	GOOD	GOOD	GOOD	GOOD	EXCELLENT	FAIR

**STRENGTHS**

- Acorns from pre-settlement oaks are harvested on site
- Ample shade
- High quality and diverse trees
- Looped walking trail
- Pond & wildlife habitat
- Woodland park

**CHALLENGES**

- ADA access to playground
- Addressing the two pickleball courts and the associated impacts they are having on adjacent neighbors
- Chain-link at basketball court is stretching out
- Pond Sedimentation & Algae
- Pressure washing is recommended to address moss, algae, dirt, and debris on the playground equipment

**OPPORTUNITIES**

- Add additional park signage along Abbeywood Drive where cars pull up to the park
- Create an ADA parking stall with improved access to the park
- Create no-mow areas at the pedestrian bridge and along the creek that flows under the bridge to improve ease of maintenance
- Develop approach to fund dredging & pond improvements - estimated at \$1.4 million
- Expand no-mow zones to reduce on maintenance costs and improve ecology in natural areas
- Install educational signs for local bug, plant, and bird species
- Provide additional railings at the pedestrian bridge for fall protection and replace warped railing board
- Provide a sidewalk adjacent to the side street parking to help provide access to the park
- Provide court benches to the basketball and pickleball courts
- Repair chain-link fence at basketball court by fastening the chainlink fabric to a new bottom rail



Basketball court



Wooded playground



Pickleball courts

# **EXHIBIT C**

July 12, 2024 Memorandum to Board of Park Commissioners

*Comprehensive institutional analysis of Abbeywood pickleball noise*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



A PLACE WHERE EVERYONE BELONGS

**MEMO**

To: Board of Park Commissioners  
From: Dan Garvy, Director of Parks & Recreation  
Date: July 12, 2024  
Re: Pickleball Courts

As we all know, the two pickleball courts at Abbeywood Park have been the center of ongoing debate since 2022 over their proximity to neighboring homes and the overwhelming demand for courts. Last summer, the Park Board agreed to suspend any decision on the future of those courts until the new six-court complex at Tate Woods Park becomes available later this year. Staff are seeking direction on park district programming at the Abbeywood Park pickleball courts after July, as well as direction on the future of the Abbeywood Park pickleball courts.

This topic was broached at your meeting of June 20, where that discussion offered consensus in considering making the pickleball courts at Abbeywood Park "quiet courts" in response to a suggestion from one of the neighbors there. I followed up with the neighbors the next day, June 21, to offer a meeting to work together to try to establish some reasonable criteria. Shortly thereafter, the neighbor who suggested a quiet court concept responded stating that he has spent considerable time researching the quiet courts approach and his findings were not favorable:

*"When asked in online forums, players overwhelmingly reject the quiet version of pickleball, whether it involves paddles or balls. Their main argument is that it is not pickleball once you remove the sound. I also approached multiple players in Abbeywood and asked them to try the quiet ball. The overwhelming majority said they would not play with that ball, with very few exceptions."*

Staff have been met with similar reactions when exploring the idea. As one pickleball ambassador from another community reported, "Players are not going to buy new equipment to play with special paddles and balls." The Abbeywood Park neighbor closed his email with a statement that the only correct way forward is to convert the courts back to tennis.

Since June 21, the neighbors to the Abbeywood Park pickleball courts continue to communicate their frustration with the courts being in such close proximity to their homes, and four neighbors of Valley Forge Park have joined them citing a similar experience. The affected homes there are within 100 feet of those courts too. While Valley Forge Park's tennis courts are not lined for pickleball and signage on site states the courts are for "Tennis Only," for the past three summers people have played pickleball there. So, like the neighbors closest to the courts at Abbeywood Park, our neighbors closest to the Valley Forge Park courts are experiencing the same issues – the pickleball noise is negatively affecting their ability to enjoy their own homes.

Within the last few weeks, staff received news that people were playing on the Abbeywood Park courts past the posted hours of sunset. We also received news and a video showing that there were players on

## Electronic Filing: Received, Clerk's Office 06/03/2026

the courts there after 11:00 pm using glow-in-the dark balls. I notified the Lisle Police Department of this ongoing challenge and asked that they confront anyone on the courts after posted hours and to instruct them to leave. The Lisle Police were receptive to my request, this was communicated to the neighbors, and the neighbors were encouraged to call the police themselves if after hours use continues. Some of the neighbors responded, stating that calling the police is not a permanent solution, they are worried about retaliation from the players, and it is taking the police away from more important matters. All of them are insistent that the only solution is to convert the courts back to tennis. As of the date of this memo, the Lisle Police report they have not observed any after-hour play.

Neighbor correspondence continues and that has been joined by a resumed uprising of pickleball players expressing their opposition to reduced/eliminated programming and concern with the idea that the park district is considering converting the pickleball courts back to a tennis court just because a few neighbors are complaining. Many cite the offer the park district made to install sound abatement to the fencing at the Abbeywood Park courts that the neighbors rejected. That is true. However, through additional research, we learned the affected homes are so close to the courts that sound will travel above the fence/barrier and will still reach the second floor where home offices and bedrooms are located. Additionally, the fence posts and concrete footings at the Abbeywood Park courts were not designed to support the weight of the sound panels, and the added wind load during storms will surely damage the fence – either the footings will begin to heave or shift and/or the fence posts themselves will fatigue and eventually bend.

Earlier this month, Superintendent Pratscher and I met with pickleball clinic participants who are upset that we are not offering programming/clinics at Abbeywood Park after July. While this was reported to the Park Board at last month's board meeting, they did not think the Park Board was aware that meant we were not offering any more lessons or clinics at the Abbeywood location. They also asked why we continue to give the neighbors attention after staff was directed last summer to turn its attention to other matters due to the incessant nature of the neighbors' demands. I replied that I felt the need to continue to demonstrate the park district's attempts to curb some of the impact the courts have on the neighbors there. They were not in agreement with this decision, so I encouraged them to bring their concerns to the Park Board's attention. They also asked that we involve them a bit more in these sorts of decisions. They were clear they did not want to get too granular in their involvement, but if we are talking about creating quiet courts and discontinuing programming there, they felt they should have been part of those discussions to ensure representation from their user group prior to decisions being finalized. They reiterated their disappointment that instructional clinics at Abbeywood were not being offered this August, which had been something the District had offered each of the previous two summers. Lastly, the group was concerned that the Tate Woods Park courts may not open in time to be used for the autumn months due to potential delays in the construction timeline, which could then lead to no outdoor pickleball programming until next spring. Staff reported that based on the construction schedule, we hope the new courts at Tate Woods Park will be available by the middle or end of September. The group asked that the District reconsider and offer pickleball classes at Abbeywood Park until the courts at Tate Woods Park are available for use.

It remains clear to staff that most people, pickleball players and non-players, dismiss the fact that the noise from pickleball is unlike any other park generated activity, and that people's tolerance of that noise varies widely. This has been a constant theme throughout staff's research, it has been presented by the neighbors numerous times, and they repeatedly cite the fact that more and more communities across the country are setting minimum distance requirements between any new courts and neighbors' homes. For example, Naperville Park District will not construct courts within 500 feet of nearby homes. Wheaton Park District, 150 feet; British Columbia Parks & Rec: at least 50 – 65 meters (164 – 213 feet) for two courts, further for more courts; others in Colorado, Texas, California, Utah, and Florida range from 250 feet to 600 feet. The impact pickleball has in parks close to adjacent neighbors cannot fairly be compared to the impact of basketball,

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soccer, tennis, baseball/softball, lacrosse, or playground use. Yes, pickleball is one of the fastest growing sports in the county and provides both social and wellness benefits like not much else. But in staff's experience, no other routine park activity has had even a remotely similar negative impact on neighbors living closest to a park, has received so much national attention (negative *and* positive), or has created such an overwhelming demand from the community as pickleball. This is a legitimate problem that is being experienced by court operators, neighbors, and pickleball players across the country and Canada.

As the Park Board contemplates the future of the courts at Abbeywood Park and pickleball play in general, there are many things to consider including what has been reported above, as well as:

- Last year, the Park Board agreed to delay any decision on the future of the Abbeywood Park pickleball courts until the new courts at Tate Woods Park are available. There is thought that the spirit of that decision was the Abbeywood Park courts would be converted back to tennis once there are more pickleball courts available at Tate Woods Park.
- There remains a significant demand for pickleball courts and lessons, and we are unable to meet that demand with our current available resources.
- Opponents to reducing court use or eliminating the courts altogether state the neighbors chose to live next to/across the street from a park, and the neighbors should expect the park to change over time as community needs evolve.
- When the decision was made last year to delay a decision on Abbeywood's courts, we only had those two courts with the two at Arbor View Park close to becoming available. When the six courts at Tate Woods are brought online later this year, we will have a total of ten dedicated courts. Removing the two at Abbeywood Park as the neighbors hope would reduce that number to eight, which is twice the number we have today.
- Pickleball players with whom staff have corresponded have not been receptive to reducing programming or court availability at Abbeywood Park, and at least some pickleball players who live in Green Trails have stated they have become used to having the Abbeywood Park courts within their subdivision and do not want to have to travel further to access courts.
- There is virtually an identical court configuration at Arbor View Park as at Abbeywood Park (one tennis court and two pickleball courts). Yet, staff has not received a single complaint despite the fact there are more homes closer to the Arbor View Park courts than the homes are to the Abbeywood Park courts.
- The only people complaining about pickleball being played are the neighbors closest to the courts at Abbeywood Park and Valley Forge Park.
- It has been reported by the USA Pickleball Association that of all the pickleball courts in the country, problems like ours represent roughly 1 per cent of the courts.

There are surely other considerations than what has been presented here, but hopefully this report provides some information useful in the Board's decision-making process. Again, staff are seeking direction on park district programming at the Abbeywood Park courts after July, and for direction on the future of the Abbeywood Park courts once the Tate Woods Park courts are made available later this year.

Thank you.

# **EXHIBIT D**

February 5, 2025 Email Exchange with Village Trustee Eric  
Ertmoed

*'Out of my hands' admission*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas

**Karen Arnold**

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**From:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Sent:** Wednesday, February 5, 2025 9:11 AM  
**To:** Eric Ertmoed  
**Subject:** Re: Pickleball

Good Morning Eric,

The park board's position has not changed since July 2024 in that it does not intend to make any more changes to the courts' availability or use in Abbeywood Park beyond what was discussed at that July board meeting.

You may recall that the park district moved all programming (lessons/clinics) from Abbeywood Park to the new courts at Arbor View Park (where there are at least five homes closer to those courts than Vitas' home is to the Abbeywood courts, yet we have not received a single complaint) and the tennis courts at Community Park, where we had two pickleball courts lined over one tennis court there and purchased two portable pickleball nets. This was done to give the neighbors some relief as the Tate Woods Park project was experiencing delays. So, when our programming was relocated from Abbeywood Park, there was an immediate reduction in those courts' use and relief to the neighbors there because our programming produced intense use of both courts and at times created some parking issues. This was the extent of any action the park board was willing to take at that time and again, that sentiment remains true today.

The last time the park board mentioned pickleball at Abbeywood Park was when President Wessel stated in the park board meeting of September 19, 2024:

*President Wessel stated he attended a village board meeting on August 19 as one of the topics of discussion was noise related to pickleball. He reported that the village trustees agreed they didn't want to get involved in a park district issue and encouraged the park district to find common ground with residents. President Wessel stated the park district did in fact try to find common ground in June, but the neighbors rejected it, saying the only way forward is to convert the courts back to tennis. He said he is at a loss and that closing the courts is not something the board wants to do.*

As recently as a couple weeks ago, I had conversations with President Wessel and Commissioner Altpeter about revisiting the issue if for no other reason than to issue a clear and convincing statement to the neighbors that despite their ongoing emails demanding action and alleging the park district has ignored their requests, the park district will not be doing anything further. They both stated they had already done so in July and again via President Wessel's statement in September.

Regarding Vitas' insistence on mandating the use of quiet balls, we offered that last June and this was his reply:

*"When asked in online forums, players overwhelmingly reject the quiet version of pickleball, whether it involves paddles or balls. Their main argument is that it is not pickleball once you remove the sound. I also approached multiple players in Abbeywood and asked them to try the quiet ball. The overwhelming majority said they would not play with that ball, with very few exceptions. Even pickleball ambassadors when reached through official channels did not bother even responding. ...converting pickleball courts back to tennis courts is the only correct way forward. We have suffered enough."*

This matter is out of my hands and respectfully, if any village trustee(s) feels the park district should do anything differently, I encourage they individually contact President Wessel or any of the other park district commissioners.

Dan

---

**From:** Eric Ertmoed <eertmoed@villageoflisle.org>  
**Sent:** Monday, February 3, 2025 9:01 PM  
**To:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Subject:** Pickleball

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Hi, Dan,

At tonight's Village Board Meeting, Trustee Duffy inquired as to any updates or planned adjustments related to pickleball at Abbeywood Park.

Thanks in advance,  
EE

Eric Ertmoed  
Village Manager  
Village of Lisle  
925 Burlington Avenue  
Lisle, Illinois 60532  
630-271-4116; 630-271-8959 (fax)  
[eertmoed@villageoflisle.org](mailto:eertmoed@villageoflisle.org)  
[www.villageoflisle.org](http://www.villageoflisle.org)  
[Facebook/Twitter/YouTube](#)



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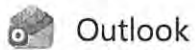
**[Caution - External Email]** This email message was sent from a user outside of The Village of Lisle. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

# **EXHIBIT E**

October 16, 2025 Email Forwarding the Unetich Report to All  
Five Commissioners

*Director Garvy's transmittal email*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



---

**Fw: Abbeywood park pickleball noise problems**

---

**From** Dan Garvy <dgarvy@lisleparkdistrict.org>

**Date** Thu 10/16/2025 5:46 PM

**To** Kari Altpeter <kaltpeter@lisleparkdistrict.org>; Teri Tapella <ttapella@LISLEPARKDISTRICT.ORG>; Jeff Pereira <jpereira@LISLEPARKDISTRICT.ORG>; Wendy Nadeau <wnadeau@LISLEPARKDISTRICT.ORG>; Tim Wessel <twessel@LISLEPARKDISTRICT.ORG>

**Cc** Jon Pratscher <jpratscher@lisleparkdistrict.org>

1 attachment (3 MB)

Sound Data Analysis Report Lisle IL 9.30.25Rev1.pdf;

As urged...

Dan

---

**From:** Vitas Matulis <vmatulis@gmail.com>

**Sent:** Thursday, October 16, 2025 5:40 PM

**To:** Dan Garvy <dgarvy@lisleparkdistrict.org>; Jon Pratscher <jpratscher@lisleparkdistrict.org>; Bruce Montgomery <montgomery.bruce@gmail.com>; Rashmi Kakati <rashmikakati@gmail.com>; Saket Bhatnagar <saket.bhatnagar@gmail.com>; xu montgomery <xumontgomery@yahoo.com>

**Subject:** Abbeywood park pickleball noise problems

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

It has now been **52 days** since the sign recommending quiet equipment was installed, yet there has been **no visible compliance**. It has also been over **11 months** since Tate Woods Park opened and nearly **three years** since residents were assured that the noise issue would be addressed.

I respectfully urge **Director Garvy** to review the most recent noise study conducted by expert **Bob Unetich** and share the findings with the commissioners. The conclusions of the expert are clear: adopting **quiet balls** is the only effective way to resolve this ongoing problem.

Abbeywood park neighbors

# **EXHIBIT E-1**

FRS-1 Data Analysis Report by Robert M. Unetich, P.E.

*Dated September 30, 2025; recommends closure of courts*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



## FRS-1 Data Analysis Report

Robert M Unetich  
 412-780-4575  
 1811 Woodlands Circle  
 Pittsburgh, PA 15241

### Client Summary:

<b>Client Contact Name:</b>	Vitautas Matulyauskas	<b>Client Organization:</b>	Home Owner
<b>Client City &amp; State:</b>	Lisle, IL	<b>Report Date:</b>	9/30/2025
<b>Date Files Downloaded:</b>	9/2/2025	<b>Date Files Analyzed:</b>	11
<b>Analyzed By:</b>	Robert M. Unetich	<b>Total Time Analyzed:</b>	About 20 minutes
<b># Wav Files Downloaded:</b>	11	<b># Wav Files with Pickleball:</b>	7
<b>Number of Recording Sites:</b>	1	<b>Location IDs used:</b>	Sidewalk

---

## Background on Pickleball Sound & Human Hearing:

### Description of Pickleball Sound

Pickleball is a game played with paddles, a ball, and a net on a court that is approximately one half the size of a tennis court. The paddles are made of wood, plastic, or composite materials, and the ball is made of plastic. The sound generated by pickleball is about 14 decibels louder than the sound generated by tennis, and it has a higher, more annoying pitch, usually around 1,000 Hz as opposed to 250 Hz. Homeowners in proximity to pickleball courts hear a louder sound than from tennis play. At some elevated sound level, pickleball sounds are considered as noise and become bothersome and intrusive. The background noise level varies but average noise levels can be used.

This report will provide measurement data for a home close to courts at this location.

## Human Hearing and Annoyance

The human ear is sensitive to a sound's level, its frequency content, and its duration. The higher the sound level, the greater the annoyance becomes. Each 10 dB increase in sound level is perceived as a doubling in the sound level, which is a 100% increase. Each 6 dB increase is perceived as a 50% increase and each 3 dB increase is perceived as a 23% increase.

The human ear is more sensitive to high frequency sounds than to low frequency sounds. It is also sensitive to the duration of noise. This characteristic is taken into account in the selection of back-up beepers for trucks. That pitch is about 1,200 Hz, close to the common pitch of pickleball hits.

## Typical Sound Levels



Human hearing normally has a very large range of hearing capability, usually expressed in decibels above a selected sound pressure level of 20 micropascals and designated at zero dB.

Human hearing has a lower sensitivity to low pitch sounds.

Readings of meters and sound software are usually adjusted to account for this by using the A-weighting scale. As seen on the chart below, a quiet library is usually about 40 dBA.

This chart illustrates that sounds in the range of 60 to 75 dBA are comparable to the loudness of normal conversation and to the sound levels usually present in a busy restaurant. Pickleball sound at 100 ft. is usually under 70 dBA with no sound barrier and under 60 dBA with a 10 ft. high sound barrier on level ground. The height

of the barrier can usually be adjusted to achieve sound level reduction with a basic goal of having pickleball sound not frequently exceed normal background sound levels.

The American National Standards Institute (ANSI) for noise recommendation is 55 dBA. Based upon our experience PSM LLC recommends that pickleball sound levels be below 50 dBA at residential properties, whenever possible.

---

## FRS-1 Sound Recording and Output:

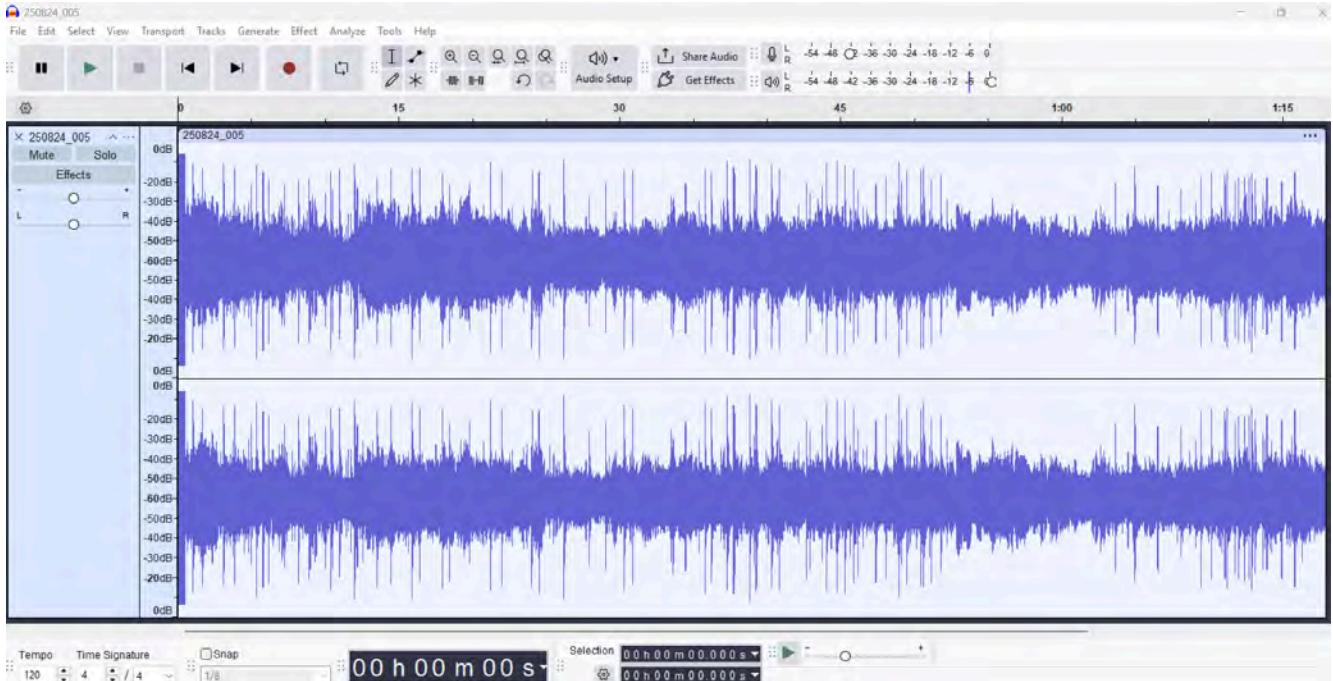
The following analysis will analyze the output recorded by the FRS-1 audio recording system near the Lisle, IL courts. The FRS-1 output is programmed to deliver two recordings from four microphones. The FRS-1 Recorder has been calibrated with actual pickleball sound levels by PSM LLC prior to delivery to this location.

The audio output is in a Wav file format. The waveform below represents the magnitude of 2 channels of sound recorded. The top trace is channel 1 and the lower trace is channel 2. These displays have logarithmic vertical scales, which enable us to see and measure the background noise floor clearly.

The vertical display is in decibels relative to the maximum value or a “Full Scale Reading”

The vertical display center is at -60 dB relative to the full value. The horizontal scale is time in seconds and minutes. The graph below is an example of recorded audio levels of both channels over the time of a typical recording from this site. The narrow vertical lines represent the levels of pickleball hit sounds. In this example, the pickleball sound levels are over 20 decibels higher than the sound level present between pickleball hits.

The following waveform represents an entire one minute 20 second recording, # 250824\_005, with Channel 1 data at the top and Channel 2 data at the bottom. It includes a ½ second long test tone and about 60 significant pickleball impulsive sounds:



## Defining The Sound Level Metrics

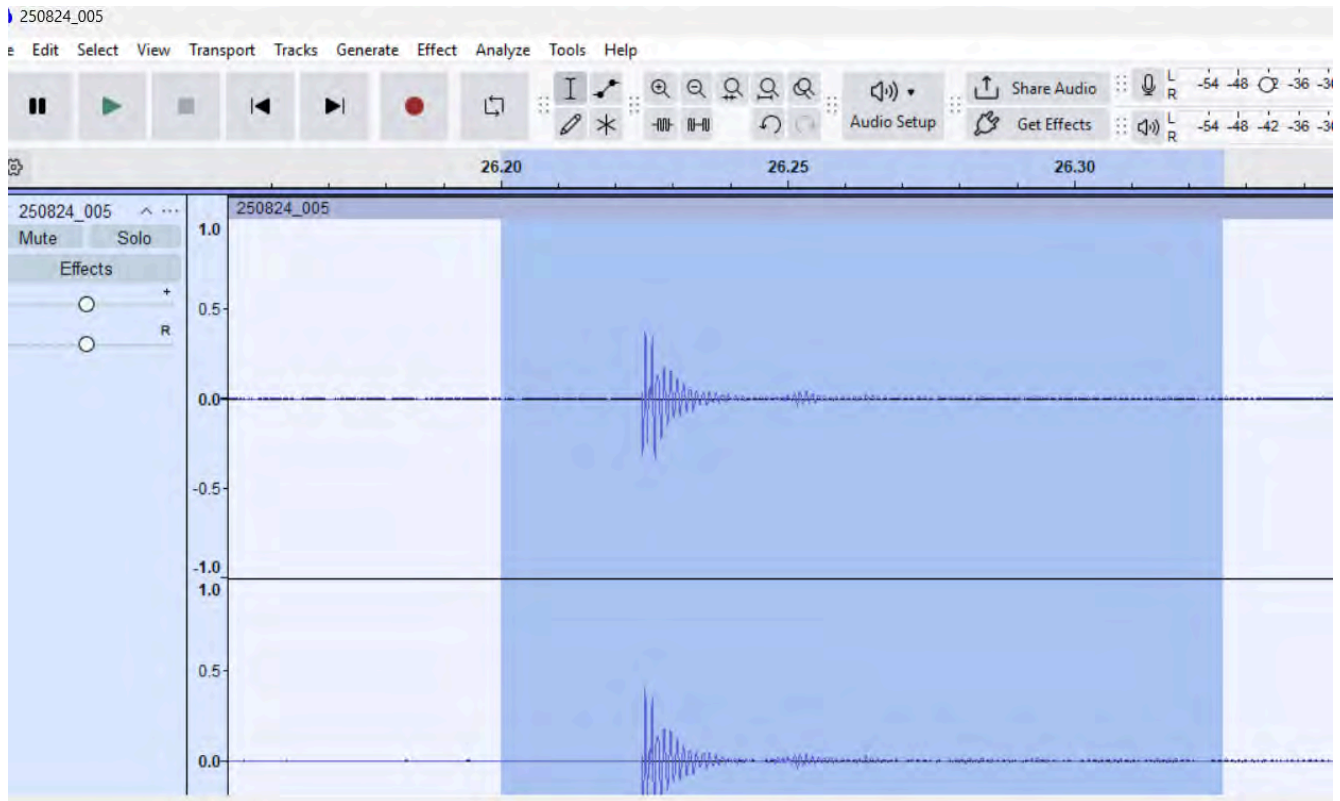
**LCpeak, LAFmin, Leq(30Seconds) (no pickleball), LAFmax and Leq(30s) (with [pickleball])**

There is an audio tone at the beginning of each recording that is used to check the calibration. Its level is at 99 dBC and it is used as a comparison level for the LCpeak sound readings and all other measurements.

In the listed metrics, “L” means level, “C” stands for wideband C weighting, “A” stands for A-weighted, which adjusts for normal human hearing, “F” stands for “Fast Mode”, an ANSI defined sampling period for impulsive sounds like pickleball. Min and Max are abbreviations for minimum and maximum values. We generally want to know how quiet does a site occasionally get, or **LAFmin**, and how loud does it get when the loudest pickleball sounds are measured, **LCpeak** and **LAFmax**.

The first measurement sequence involved measuring the Minimum Noise Level metric, called **LAFmin**, and the average noise levels over longer periods of time, called **Leq**, or equivalent noise level over a 30 second time period, with no pickleball sound present.

Analyzing one hit we get this waveform from File 250824\_005:

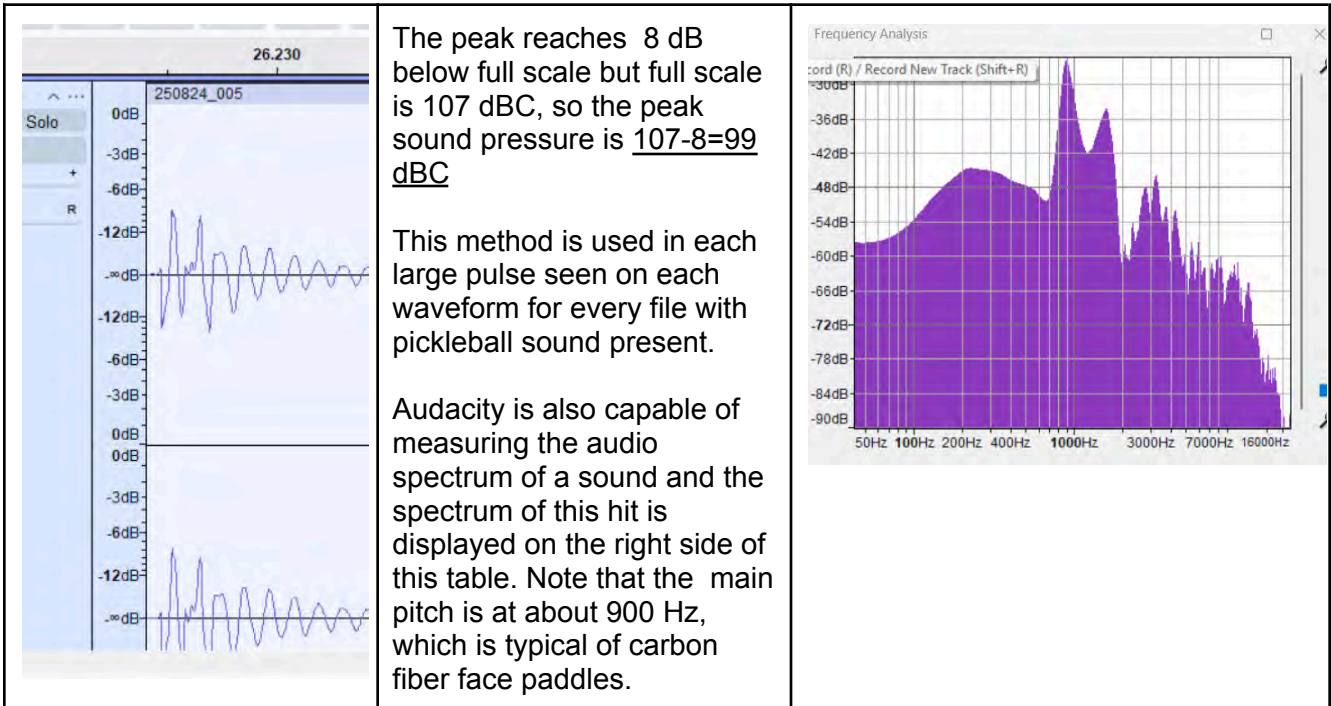


The blue area is 125 ms long or Fast Mode and the level reported by Audacity is **78.5 dBA LAFmax**.

Looking closer at this waveform we see in the following page a view of the waveform decaying and its associated audio spectrum.

The spectrum graph on the right shows sound level vs. audio frequency from 20 Hz to 20,000 Hz with a peak near 9,000 Hz and another peak at a harmonic frequency of 1,800 Hz. This is a common spectrum for a pickleball strike sound.

Next we measure the sound level of the pickleball hits, which we term **LCpeak** and **LAFmax** along with **LASmin**, the quietest sound level measured and **LAeq**, the “Equivalent” sound level, which is an excellent metric to measure background noise levels. Those measured values are shown in the table



### The Location

The measurement location is about 55 feet from the court fence and sits between two lots, separating the properties at 6282 Timberview and 6286 Timberview as shown in red in this satellite photo:



**Data Collected**

## Recordings Analyzed

#	File ID	Conditions	LCpeak Peak Amplitude In dBC	LASmin dBA Quietest sound at site over a selected 1 second period	LAeq (no pb) Average Sound over 30 seconds	LAFmax dBA Loudest sound at site measured in Fast Mode No Pickleball
1	250816_001	Ambient	N/A	43	45.5	56.8
2	250816_002	Ambient	N/A	41.8	44.2	53.3
3	250817_002	Ambient	N/A	42.7	45.8	50.7
4	250824_001	Ambient	N/A	41.7	54.7	58.1
		With Active Pickleball Play on Multiple Courts	dBC	Between shots with no pickleball	LAeq Average Sound Level with pickleball	LAFmax dBA Loudest sound measured in Fast Mode
5	250824_005	pickleball	99	49.1	64.2	78.5
6	250824_006	pickleball	95	45.7	60.2	73.2
7	250825_001	pickleball	87.5	48.3	59.8	61.9
8	250825_002	pickleball	93.1	45.7	56.6	69.5
9	250825_003	pickleball	95	48.1	55.6	74.1
10	250902_002	pickleball	101	52.5	59.5	79.1
11	250902_003	pickleball	96	51.3	60.1	76.0

The above figures were calculated by both listening to and analyzing the waveforms of all of the recordings using Audacity software.

During that analysis, time windows of 0.125 seconds, 1.0 and approximately 30 seconds were used to determine the sound power level present to provide readings for the table above. These are the time periods defined by the ANSI standard for Fast Mode and Slow Mode sound measurements and **LAeq** in 30 second selections. **LCpeak** was the observed maximum pressure level shown on the waveform for each pickleball strike. **LCpeak** was not measured during ambient tests since incidental background sounds are all factored into the average equivalent level, **LAeq**,

The data above therefore represents the sound levels present during the quietest periods of noise and the loudest periods of pickleball sound detected at this measurement location.

---

## **Summarizing the Results:**

The measured levels with pickleball sound present exceed American National Standards of 55 dBA for **Leq** and they will exceed our company recommendation of 50 dBA using the **LAFmax** metric.

*The measured levels are louder than that of ordinary conversation and they could be expected to be objectionable in any community. Considering that these levels were measured close to a two story home, installing barriers under 15 feet high would do very little. It would require the installation of a well designed building covering the courts to reach the above goals. Based on our firm's own experience analyzing the sound of pickleball in over 200 locations in the US, the only reasonable solution in this instance is to close these courts.*

## **Pickleball to Noise Ratio and Recommendations:**

The background noise level in this neighborhood is frequently below 43 dBA, which is typical of quiet residential communities. Sound levels at this location are about eight times as loud as the ordinary background noise level. There is no practical way s to bring the levels down close to the ambient noise level short of covering these courts in a building

## **The Use of Quieter Gear**

In public court locations, it has been proven to not be practical to enforce the use of quieter gear. Using quieter paddles at this location would not be a sufficient solution. Mandating the use of foam balls instead of pickleballs would be of great benefit but it is not likely that this could be done at this location and enforcement would be impractical if it was attempted.

## **The CV of the Author Follows**

## Robert M. Unetich | Professional Engineer

1811 Woodlands Circle  
Pittsburgh, PA 15241  
Cell: 412-780-4575  
Email: [itsrmu@aol.com](mailto:itsrmu@aol.com)

### Professional Profile

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An electrical engineer by training and active now as a consulting engineer specializing in pickleball sound. Experienced in electronic product development and sound barrier design with over 50 years of engineering experience. Licensed as a professional Engineer in Pennsylvania since 1976.

### Engineering and Management Career Summary

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2022 – Present	Founder of Pickleball Sound Mitigation and Pickleball Sound Laboratories, a pickleball sound test facility near Pittsburgh, PA
2004 – Present	Owner of GigaHertz LLC, an electrical engineering and acoustics consulting firm located near Pittsburgh, PA.
2004 – 2007	Owner of Axcera LLC, a manufacturer of analog and digital radio frequency transmitters for television and wireless digital microwave services
1998 – 2004	Adjunct Professor of Engineering at Carnegie Mellon University
1982 – 1997	President of ITS Corporation, a manufacturer of television transmitters. ITS Corporation was acquired by ADC Telecommunications in 1996.
1978 – 1982	Engineering Manager of Broadcast Transmitters, RCA Corporation, Meadowlands, PA
1976 – 1978	Engineering Manager of Television Transmitters, Harris Corporation, Quincy, IL
1970 – 1976	Chief Engineer and VP of Engineering of EMCEE Broadcast Corp., White Haven, PA
1968 – 1970	Design Engineer for Honeywell Information Systems, Clearwater, FL. Involved in the design of early satellite navigation receivers, the forerunner of GPS.

### Education

---

1964 – 1968 BSEE from Carnegie Mellon University, Pittsburgh, PA

### Patents

---

Several granted patents including a novel power supply design, a waveguide microwave filter and inventions in the field of diathermy.

### Publications

---

Extensively published in the fields of pickleball sound and radio wave propagation. Currently the author of Pickleball Magazine's Rules Guru Column and the co-administrator of the facebook group Pickleball Sound Mitigation,

### Memberships

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The Acoustics Society of America and the Institute of Electrical and Electronic Engineers

# **EXHIBIT F**

October 2022 through June 2024 Email Correspondence with  
Carl Schmits / USA Pickleball

*20-month investigation of quiet equipment*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas

**Dan Garvy**

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Monday, June 10, 2024 2:40 PM  
**To:** Dan Garvy  
**Subject:** Re: Certified Silence: Discover the Librarian Foam Ball

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Dan - as you know from conversations with Brandon Peets, there is also the 3d printed ball with imminent approval shortly.



**Carl Schmits**  
**Managing Director; Equipment Standards & Facilities Development**  
P O, Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

---

**From:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Sent:** Monday, June 10, 2024 12:30 PM  
**To:** Carl Schmits <cschmits@usapickleball.org>  
**Subject:** RE: Certified Silence: Discover the Librarian Foam Ball

Of course as soon as I send that email I find it on your website. Please disregard that last email Carl.

Thanks.

Dan

---

**From:** Dan Garvy  
**Sent:** Monday, June 10, 2024 2:27 PM  
**To:** Carl Schmits <cschmits@usapickleball.org>  
**Subject:** FW: Certified Silence: Discover the Librarian Foam Ball

Hi Carl,

I received this email from Vitas. While the email claims the Gamma Librarian was recently certified by the association, I cannot find that on the association's website or anywhere else for that matter. Is there a list of "quiet certified" products somewhere?

Thanks for whatever you're able to share.

Dan

**From:** Vitas Matulis <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)>  
**Sent:** Friday, June 7, 2024 9:07 AM  
**To:** Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)>  
**Subject:** Fwd: Certified Silence: Discover the Librarian Foam Ball

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Dan, the ball (Librarian)we talked about is now so called Quiet certified. (Not fully approved for competition of course)

I hope we can make it happen in reality.  
4\$ solution to a million dollar problem.  
All we need is to enforce the ball, no paddle change is needed.

Vitas

----- Forwarded message -----

**From:** GAMMA Sports <[support@gammasports.com](mailto:support@gammasports.com)>  
**Date:** Thu, Jun 6, 2024 at 9:22 AM  
**Subject:** Certified Silence: Discover the Librarian Foam Ball  
**To:** Vitautas Matulyauskas <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)>



**TENNIS**

**PICKLEBALL**

**APPAREL**



Get the Librarian Foam Pickleball, your new secret weapon for leveling up your play. Recently certified as a quiet ball by USAP, the Librarian offers unmatched performance without the distracting noise.

Here's how the Librarian can help you enhance your skills:

- **Focus on Technique:** The quiet nature of the Librarian allows you to concentrate fully on your technique, helping you refine your skills without noise distractions.
- **Versatile Play:** Practice anywhere, anytime, whether in noise-sensitive areas or residential neighborhoods. The Librarian is perfect for all environments.
- **Consistent Performance:** With the same specs as traditional pickleballs, you won't sacrifice quality for quiet.



## Librarian Foam Pickleball

[Shop now](#)

Learn more about how the Librarian can make your pickleball experience better than ever on our blog



 **FREE SHIPPING ON ORDERS OVER \$50** \*excludes stringing machines, bullhoppers, and carts



**Dan Garvy**

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Monday, April 8, 2024 8:59 PM  
**To:** Dan Garvy; Brandon Teets  
**Subject:** Re: Checking In

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

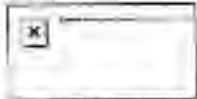
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Dan - thank you for reaching out. Introducing Brandon Teets from Advanced Digital Solutions. We've been collaborating on an exciting project over the past 90 days - a 3D printed ball that has remarkable acoustic properties, yet plays close to a standard injection molded ball. He is based in Grand Rapids, and I did tee him up regarding your issue in Lisle. He is currently getting user feedback on an updated design in a 'hotspot' in Florida, and is attending our Board retreat this week in PHX where I will brief them on developments in this area. I'll get you an update after the mtg this week.

Carl



**Carl Schmits**  
**Managing Director; Equipment Standards & Facilities Development**  
P.O. Box 7354 | Surprise AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text 480.382.2275

---

**From:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Sent:** Monday, April 8, 2024 1:18 PM  
**To:** Carl Schmits <cschmits@usapickleball.org>  
**Subject:** RE: Checking In

Hi Carl,

I hope all is well with you - it's been a while.

I see that OWL has created a certified quiet paddle. I tried to find any other options but I haven't found any. With a price point of \$150.00 and higher, I'm not sure a lot of people will be willing or able to spend that kind of money. Are there other paddles out there that qualify for USA Pickleball's quiet category? On a related note, is there any remaining interest in using Abbeywood Park as a test site as we discussed last fall?

Thanks for your time.

Don

---

**From:** Dan Garvy  
**Sent:** Thursday, September 28, 2023 10:52 AM  
**To:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Subject:** RE: Checking In

Hi Carl,

Just checking in to see if you are still interested in using Abbeywood Park for the equipment/materials study. I saw a post on LinkedIn the other day about the Quiet Category for pickleball products and of course it reminded me of our conversation from a couple weeks ago. If you wouldn't mind letting me know the status of any of this, I can pass it along to my park board.

Thanks!

Don

---

**From:** Dan Garvy  
**Sent:** Friday, September 15, 2023 9:47 AM  
**To:** 'Carl Schmits' <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Subject:** RE: Checking In

Hi Carl,

I've spoken with four of our five commissioners and we're good to advance this initiative. If it's not too much to ask, I'd like a written request with some details, even if it's a summary of our conversation from yesterday morning, so I am certain we are on the same page with what you and your team want to do on site and what you will do with the information you gather. Its fair to say a few of us are enthusiastic about this opportunity, but a couple of our commissioners are cautiously so, if that makes sense. As two of them put it, we don't want the information you gather on site to somehow come back to bite us.

As always, I'm available at your convenience if you'd like to have a conversation.

Thanks!

Dan

---

**From:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Sent:** Friday, September 15, 2023 5:56 AM  
**To:** Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)>  
**Subject:** Re: Checking In

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Dan - our media team would be involved to ensure the press messaging is managed to our goals.



**Carl Schmits**  
**Managing Director; Equipment Standards &  
Facilities Development**  
P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Thu, Sep 14, 2023 at 9:14 AM Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)> wrote:

Hi Carl,

I've spoken with three of our five commissioners and so far so good. Some concerns with whether or not the data collected can potentially be used against our current efforts, but I don't suspect that to be a problem. I was also asked that we have the opportunity to see any press release/media statement that mentions the Lisle Park District before it is released, as we don't want to be cast in any kind of negative light. Once I speak with at least one more commissioner, maybe we can schedule another brief conversation.

Thanks,

Dan

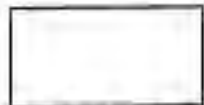
---

**From:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Sent:** Thursday, September 14, 2023 5:18 AM  
**To:** Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)>  
**Subject:** Re: Checking in

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Dan - how is your schedule early today for :15 catch-up. We're on the eve of launching our program, and I'm interested in working with you on two fronts:

- 1) Documenting initial rollout learnings and successful application of community enrollment
- 2) Making your sensitive site(s?) a possible testing area - per Vitas' request



**Carl Schmits**  
**Managing Director; Equipment Standards &  
Facilities Development**  
P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Thu, Aug 31, 2023 at 9:33 AM Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)> wrote:

Hi Carl,

I hope you're doing well. Can we schedule a brief conversation at your convenience? Nothing new on my end, but I wanted to learn from you about any potential cooperative efforts that may be of interest to you/the association. I don't have much, like I reported previously my park board has directed me to tend to things other than pickleball noise abatement. However, if to your knowledge the association and/or manufacturers have an interest in doing something I would be open to explore it, but I have zero permission so to speak in collaborating with Vitas as he has burned this bridge.

Thanks Carl. I appreciate your consideration.

Dan

---

**From:** Dan Garvy  
**Sent:** Wednesday, August 16, 2023 10:02 AM  
**To:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Subject:** RE: Checking in

Thanks Carl. I'm tied up for about an hour or so, but can I call you later this morning?

Dan

---

**From:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Sent:** Wednesday, August 16, 2023 9:54 AM  
**To:** Dan Garvy <[dgarvy@isleparkdistrict.org](mailto:dgarvy@isleparkdistrict.org)>  
**Subject:** Re: Checking in

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Yes - he is overstating progress against an 'offer' he made for USAP to donate/pilot quiet paddles. I would like to speak with you, as I mentioned previously the learnings from Abbeywood and application / approach with subsequent locations makes for a good case study.

**Error! Filename not specified.**

**Carl Schmits**  
**Managing Director; Equipment Standards & Facilities Development**  
P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Wed, Aug 16, 2023 at 9:03 AM Dan Garvy <[dgarvy@isleparkdistrict.org](mailto:dgarvy@isleparkdistrict.org)> wrote:

Hi Carl,

If you're up for a quick conversation please let me know. I mentioned to you that I was given direction by my park board to focus my efforts on other projects and move on from dealing with Vitas and the neighbors at Abbeywood Park. Of course I need to do that, but I also do not want to ignore any efforts you are willing to put forth for our situation if it can help advance the Association's interests. I received an email from Vitas yesterday claiming you are considering funding some of his ideas, and that he has a possibility of a paddle manufacturer sponsoring some resolution efforts. I am suspect at best with his claims.

Again, I am not interested in working with Villas any further, but if you and/or the Association would like to have a conversation I would be open to it. I can't say my park board would be open to doing anything further, but if you think the Lisle Park District could help advance any of your efforts, please know I am open to dialogue with you.

Thank you.

**Dan Gavy, MS, CPRP**  
Director of Parks & Recreation

Error! Filename not specified.

**Lisle Park District**  
1925 Ohio Street  
Lisle, IL 60532  
T: 630-353-4310  
E: [dgavy@lisleparkdistrict.org](mailto:dgavy@lisleparkdistrict.org)

[lisleparkdistrict.org](http://lisleparkdistrict.org)

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**Dan Garvy**

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Thursday, January 25, 2024 5:04 PM  
**To:** Dan Garvy  
**Subject:** Re: Quick Question - Not About Abbeywood Park

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Dan  
The 10' fencing perimeter provides 3 things - security when the courts are not used (assuming they are locked, and a foundation for wind screens or acoustic paneling (any concerns over Oldham Avenue residents?).  
if security is not an issue, then the 4' (or 3'6"?) fencing around provides great viewing and more social interaction. And less \$\$.



**Carl Schmits**  
**Managing Director; Equipment Standards & Facilities Development**  
P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

---

**From:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Sent:** Tuesday, January 23, 2024 7:38 AM  
**To:** Carl Schmits <cschmits@usapickleball.org>  
**Subject:** RE: Quick Question - Not About Abbeywood Park

Thanks Carl - appreciate the feedback!

Dan

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Monday, January 22, 2024 6:54 PM  
**To:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Subject:** Re: Quick Question - Not About Abbeywood Park

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Less fencing is better. Traveling, will rvw plan

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---

**From:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Sent:** Monday, January 22, 2024 10:04:57 AM  
**To:** Carl Schmits <cschmits@usapickleball.org>  
**Subject:** Quick Question - Not About Abbeywood Park

Hi Carl,

We're in the final design phase of our new court complex and I have a question about interior fencing. Attached is our preliminary design which has largely stayed that way. We have a bit of a debate about the preferred height of the interior fence. You'll see the entire perimeter fencing is 10' in height, with 4' fencing that divides the north and south courts.

We have one enthusiast really pushing for that 4' fence to be extended to 10', arguing (politely) that while a 4' fence creates a separation, it is not ideal and 10' fence will further control errant shots (like the 10' fence will do on the other three sides of the courts. He further states that when facing the 4' fence as a player, people waiting in the staging area and those playing on the other bank of courts creates a distraction that a 10' fence with windscreen would prevent.

On the other side of the debate is a taller fence creates a "caged in" affect – presumably for those in the shaded waiting area. This is the stance our Pickleball Ambassador Bill Littell holds. I respect both people immensely and I recognize this is probably a small issue, but I'm really just trying to make decisions based on data and/or a higher authority. So welcome to my dilemma 😊

So my question is: does the Association have a standard for this or is it on a case by case/personal preference basis?

Thanks for any guidance!

**Dan Garvy, MS, CPRP**  
Director of Parks & Recreation



**Lisle Park District**  
1925 Ohio Street  
Lisle, IL 60532  
T: 630-353-4310  
E: [dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)

[lisleparkdistrict.org](http://lisleparkdistrict.org)



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**Dan Garvy**

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Friday, February 10, 2023 1:54 PM  
**To:** Dan Garvy; Carl Schmits  
**Subject:** Re: Introduction; Lisle IL Park District / Pickleball United

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Dan  
I understand your concern. It is a very new product- the fact that it uses raw materials designed for this specific application (acoustic foam and fabric) implies it will work, the question of to what extent is likely directly related to it's thickness. I will verify.  
Carl



**Carl Schmits**

**Managing Director; Equipment Standards &**

**Facilities Development**  
P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Mon, Feb 6, 2023 at 9:16 AM Dan Garvy <dgarvy@lisleparkdistrict.org> wrote:

Hi Carl,

I should be getting pricing on the Pickleball United product later today. However I'm concerned that Lisle Park District would be the first client of theirs - I was told this morning that there are no other court operators who have deployed their system. As a result, I am in the unique position to take everyone's word for how effective it can be.

Is there any information you can provide that will instill some more confidence? I'm not sure what that could be but would like a third party's opinion, and maybe that's you and/or the USA Pickleball Association?

Thanks for your consideration.

Dan

---

**From:** Dan Garvy  
**Sent:** Sunday, January 29, 2023 7:55 AM  
**To:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Subject:** Re: Introduction; Lisle IL Park District / Pickleball United

Yes! Scott Daniels from Home Court Advantage. We're meeting at Abbeywood Park on Wednesday. He'll then work up a price that will be significantly lower than Acoustiblok. With any luck, I hope to place an order with him after my next park board meeting - February 16.

Thank you for connecting me with them! I'll keep you posted once I receive pricing.

Dan

On Jan 29, 2023, at 7:30 AM, Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)> wrote:

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Dan - Did PU respond yet?



Carl Schmits

**Managing Director; Equipment Standards &**

**Facilities Development**  
P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Mon, Jan 23, 2023 at 8:06 AM Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)> wrote:

Thank you Carl! Hello Fran, Ludger, and Nate!

Long story short, I am trying to collect information on sound abatement options for a local park site where we installed two pickleball courts, much to the chagrin of its closest neighbors but to the overwhelming support of dozens of local pickleball ball players. I've received pricing and am awaiting samples from Acoustiblok, but the cost very well may be prohibitive. I am hoping you folks have a more economical solution.

I will be traveling later today and tied up all day tomorrow, but would enthusiastically welcome an exchange to see if this is an option for us to work together.

Please feel free to contact me directly by email, office phone at 630-353-4310, or cell at 630-675-6093 – although my availability will be a bit limited for the next 36 hours or so.

Thank you for your interest and I hope to connect soon!

**Dan Garvy, MS, CPRP**

Director of Parks & Recreation

Lisle Park District

1925 Ohio Street

Lisle, IL 60532

P: 630-353-4310

E: [dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)

**Connect With Us!**

<image001.png>

**Discover the Opportunities!**

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<image002.jpg>

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---

**From:** Carl Schmits <cschmits@usapickleball.org>

**Sent:** Monday, January 23, 2023 9:57 AM

**To:** Dan Gavy <dgavy@lisleparkdistrict.org>; Pran G <pran@iconicsportsco.com>; pranav.kohli <pranav.kohli@iconicsportsoo.com>; Ludger Busche <LBusche@kettlerusa.com>; Nate Parsons <nate@hcasports.com>

**Subject:** Introduction; Lisle IL Park District / Pickleball United

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Dan, introducing Pran Kohli, CEO of Pickleball United; Ludger Busche, President NA, and Nate Parsons, President HCA Sports. As discussed, Pickleball United is innovating in several high value areas of pickleball, including roll-out courts, pro-grade nets, court dividers, and acoustic solutions, and are not newcomers to sports equipment, established over a century ago. I've attached the sound barrier data sheet.

Gentleman, Dan is Director of Parks & Recreation, Lisle Park District near Chicago, and is facing a difficult noise abatement situation I felt your sound barrier may help address.

In good health

Carl

**Dan Gavy, MS, CPRP**

Director of Parks & Recreation

Lisle Park District

1925 Ohio Street

Lisle, IL 60532

P: 630-353-4310

E: [dgavy@lisleparkdistrict.org](mailto:dgavy@lisleparkdistrict.org)

<~WRD0000.jpg>

**Carl Schmits**

**Managing Director; Equipment Standards &**

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EVERYTHING PICKLEBALL

# **PICKLEBALL UNITED SOUND ABSORPTION PANELS**

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**WORLD-LEADING NOISE CONTROL.**

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## PICKLEBALL UNITED SOUND ABSORPTION PANELS

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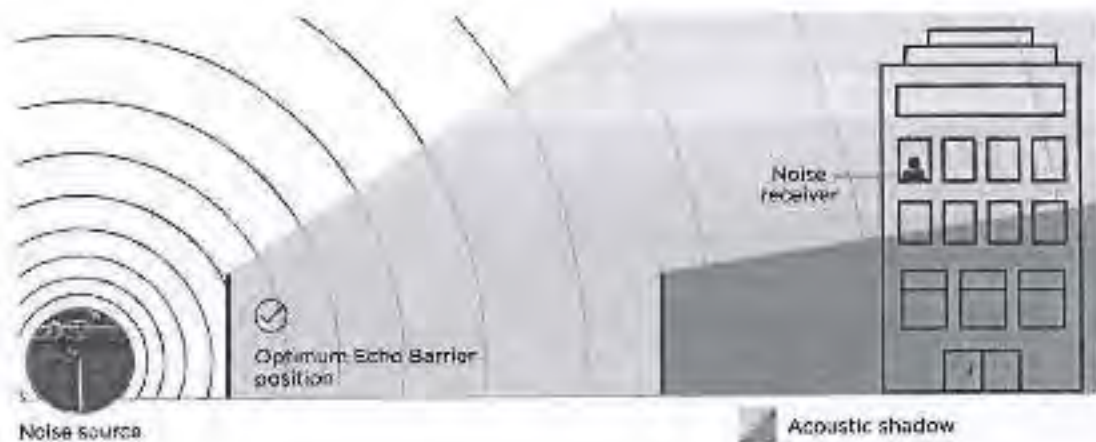
"Pickleball United Sound absorption panels are windscreens specially created to address the problem of excessive sound generated in Pickleball. It is designed to fit existing fences/poles and cover a large area easily. It is lightweight, durable and water, fire and temperature resistant with UV protection."





## PICKLEBALL UNITED SOUND ABSORPTION PANELS

Max noise reduction	25 dB
Length	6ft
Width	6ft
Water resistance	Yes
Fire resistance	Yes
UV resistance	Yes
Quick Install	2 people in 30 seconds
Manufacturer warranty	1 Year
Colors	On request





PICKLEBALL  
UNITED  
KEEP YOUR PICKLEBALL

## PICKLEBALL UNITED SOUND ABSORPTION PANELS

What makes our Pickleball united sound absorption panels so effective?

**Front outer layer**

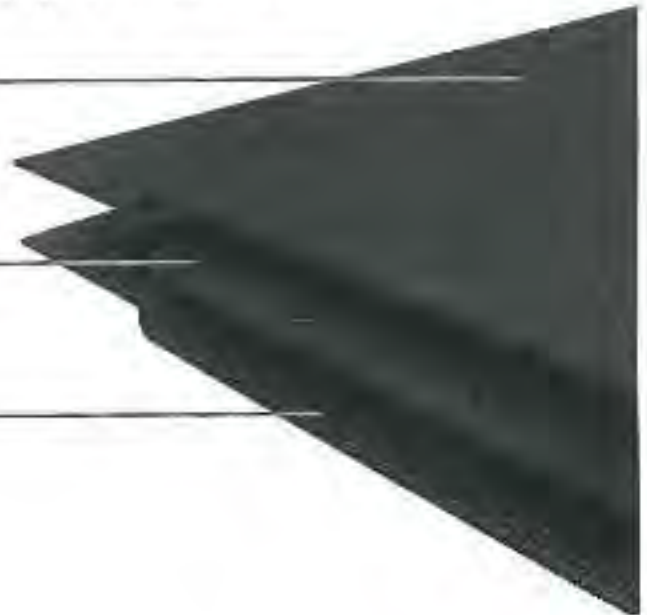
Extremely durable, waterproof, high quality PVC, with optimum mass to ensure maximum noise reduction whilst retaining a professional appearance.

**Acoustic absorbent**

Lightweight acoustic foam prevents noise reflecting off the barrier.

**Waterproof breathable mesh fabric**

Multiple purpose breathable mesh fabric allows noise to be absorbed while ensuring no water enters the barrier.



**Dan Garvy**

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Friday, August 11, 2023 11:40 AM  
**To:** Dan Garvy  
**Subject:** Fwd: Noise controls

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This guy is something else.



**Carl Schmits**

**Managing Director, Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

----- Forwarded message -----

**From:** Vitas Matulis <vmatulis@gmail.com>  
**Date:** Fri, Aug 11, 2023 at 11:09 AM  
**Subject:** Re: Noise controls  
**To:** Carl Schmits <cschmits@usapickleball.org>  
**Cc:** BobUnetich <itsrmu@aol.com>

Let me give a concrete proposal.

Make our location Abbeywood park - Lisle - a pilot site.

Fund the paddles (we already have pbmuffler) Master Athletic Q1, Diadem vice and Monarch 3 outdoor balls.

We are talking a few thousand dollars.

We can have a lockbox for paddles and everyone must use those.

Work on this with ambassador Bill Littell.

Then NBC comes back and potentially makes a positive report.

How does that sound?

Vitas

On Fri, Aug 11, 2023 at 10:58 AM Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)> wrote:  
Vitas - I spent one long Sunday last weekend responding to questions and attacks on Facebook. We are doing the work, but we may not be communicating it well. Our media group is on it. Let me get back to work.



Carl Schmits

**Managing Director; Equipment Standards &**

**Facilities Development**

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USA Pickleball Association (USAPA)

Cell / Text: 480.382.2275

On Fri, Aug 11, 2023 at 10:53 AM Vitas Matulis <[ymatulis@gmail.com](mailto:ymatulis@gmail.com)> wrote:  
Industry level points take years, it is a priority for the industry.

We, the .5% or 1% affected locations, that are suffering immensely, do not have that much time. **There are very simple things that are extremely inexpensive and can be done with the equipment that we have already, and it is already tested and proven to work.** You guys are missing the opportunity to do that, all we need is a position and a clear guidance to the ambassadors. It is very disappointing to hear that somehow that is a lesser priority. I guess we can attribute it to miscommunication?

Vitas

On Fri, Aug 11, 2023 at 9:32 AM Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)> wrote:  
But you don't seem to be digesting the industry level points I'm making, which is the priority. I have taken time to update you.



Carl Schmits

**Managing Director; Equipment Standards &**

**Facilities Development**

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USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Fri, Aug 11, 2023 at 9:25 AM Vitas Matulis <[ymatulis@gmail.com](mailto:ymatulis@gmail.com)> wrote:

Sorry to say but you answered 0% of my questions from the last email. I asked 4 questions and you addressed the one that I did not ask. I hope you are not a politician.



Vitas

On Fri, Aug 11, 2023 at 9:18 AM Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)> wrote:

Product development takes time, Vitas. First, the targets need to be defined; we've worked closely with Bob's team to identify those, which we landed on earlier this year. Then those targets are communicated to manufacturers that evaluate the potential market size and allocate engineering resources to develop those products, test them, etc.



**Carl Schmits**

**Managing Director; Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Fri, Aug 11, 2023 at 8:57 AM Vitas Matulis <[ymatulis@gmail.com](mailto:ymatulis@gmail.com)> wrote:

Here is what is a bit disappointing in your response. Basically nothing really changed yet during the last 11 months. I am looking for any past guidance or encouragement for park district directors, pickleball ambassadors to proactively look and resolve in a creative manner any potential of current noise problems. Nothing provided. (also item 2.a)

Item 1 - as you stated money is in the budget, can my park district get any subsidy to buy quiet paddles? As we know being at 40' from the court, per Spendarian and Willis 2018 and 2023 Centennial report, acoustic barriers will not work, and on top of it will destroy the architectural look if not clear panels used.

Item 2. Two paths - 11 months passed and ...? Remember once pickleball is entrenched in a location, with every passing month it is harder to make any changes. Time is of the essence.

Item 2.a - I really expected a list sent today already. Do you have an excuse why it is not done in 11 months?

2.b - part of the incentives I really would like to ask to be funneled to .5% problematic sites like ours.

It is a billion plus dollar size industry,  
it is really simple color coding:  
Red - quiet courts, very restrictive on balls and especially paddles.  
Yellow - semi restricted - quiet list to be used.  
Green - no restrictions.

Vitas

On Fri, Aug 11, 2023 at 8:26 AM Carl Schmits <[cschmits@usepickleball.org](mailto:cschmits@usepickleball.org)> wrote:  
Vitas - what I provided to you on your first request is the summary of development, in addition to several other paddles that manufacturers are testing. Please understand we can only refer to them generally, as the research, product launch details/timing, etc is confidential to that manufacturer. In addition to that, new barriers have been developed using acoustic foam - the same used in anechoic chambers, as well as other proprietary materials that will form the basis of a program launch this quarter.

Carl



Carl Schmits

**Managing Director; Equipment Standards &**

**Facilities Development**  
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USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Fri, Aug 11, 2023 at 8:19 AM Vitas Matulis <[yamatulis@gmail.com](mailto:yamatulis@gmail.com)> wrote:  
Carl, my meeting is in a few hours and I have nothing.

Do you have any emails, documents, guidance that were sent on the noise matters to the pickleball ambassadors?  
I am trying to reach the midwest or national ambassador (lead) but no luck yet.

If I get nothing, I guess I will go with what we have talked so far, PBMuffler, Diadem vice, Master Athletics Q1.

Vitas

On Thu, Aug 10, 2023 at 9:01 AM Vitas Matulis <[yamatulis@gmail.com](mailto:yamatulis@gmail.com)> wrote:

Carl, will I get any guidance from you today? Any draft documents? Do we have any specific pickleball ambassador near me to talk to?

Lisle Illinois  
60532

Viras

On Tue, Aug 8, 2023 at 1:16 PM Vitas Matulis <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)> wrote:

Meeting with one and only village commissioner who is seemingly on my side. They (village) are reacting to the NBC report. I am also later scheduled to meet with an Illinois state senator as well to discuss noise zoning exceptions.

Park district rejected any offers so far.

They tested PBMuffler, bought 15 sets, rejected the product based on your pickleball ambassador's opinion. He stated that the game is being changed too much, etc.. I am not even sure what is the actual status of William or Bill Littell (lisle IL) No other discussion on any other options were allowed to even discuss.

Basically park district is very biased. They are taking a very hard line.

My goal:

to actually mandate the list of approved only paddles.

Per discussion with Bob:

Monarch v3 balls

Master Athletich Q1

PB Muffler

Diadem Vice

Ronbus V1.16 (maybe)

Basically they posted the sign quiet paddles and never told anyone what those are.

We can also discuss open (no restriction) hours for classes, tournaments etc.

No worry about implementation strategies at this point.



On Tue, Aug 8, 2023 at 11:52 AM Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)> wrote:  
Who are you meeting with at the village? Can you pls clarify the objective, decision-makers, etc? I can't prepare you without this info.



**Carl Schmits**

**Managing Director; Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374

USA Pickleball Association (USAPA)

Cell / Text: 480.382.2275

On Tue, Aug 8, 2023 at 11:37 AM Vitas Matulis <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)> wrote:

Thanks, encouraging but I need something right now. Meeting with the village at the end of this week: even if data is preliminary, I could use any. Let me know if I missed any equivalent quiet paddles.

My plan is still about the same: (EVA foam plus PB muffler) Do not even question the enforcement at this stage.

List:

1. PB muffler
2. Master Athletic
3. Diadem Vice
4. Ronbus v1.16

Ball:

Monarch outdoor version 3

I need any data proving that this list would give me 30-50% noise reduction.

Idea:

since we are talking .5% or 1% of problematic courts, does USAPA think it would be wise to subsidize those locations in any way?

Here is the risk for you guys:

If any of the 60-120 known very bad locations experience *highly publicized adverse event* (I call it a PB rage), it would take years and years to get rid of the stigma attached to pickleball. Why not spend a little money upfront, make those places QUIET right away and minimize that risk? Or subsidize moving those courts altogether?

There are so many empty shopping malls, make those pickleball courts.

Or even in an active mall, get a few courts here and there, that would work wonders!!

Vitautas Matulyauskas

Vitas Matullauskas and any similar versions, yes same Vitas (NBC nightly news participant from Saturday night)

630-747-4018

On Tue, Aug 8, 2023 at 11:20 AM Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)> wrote:

There are several paddles in testing now, Vitas. Establishing critical safety parameters in addition to the dampened equipment is under way as many 'quiet' solutions have extremely high rebound rates. Two of the sporting industry's largest ball manufacturer's have presented products in the past week, and are undergoing durability tests.



Carl Schmits

Managing Director; Equipment Standards &

**Facilities Development**

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Cell / Text: 480.382.2275

On Tue, Aug 8, 2023 at 10:47 AM Vitas Matulis <[yamatulis@gmail.com](mailto:yamatulis@gmail.com)> wrote:

Dear Carl,

please provide *specifics on what was done in the last almost 12 months*, since the first email:

I need that item 2 a) clarified in very exact detail right now, urgently.

Maybe you can connect me to the team that is doing the testing? Or is it Bob Unetich alone?

Vitas

Email from 22 Sep 2022:

2) On the equipment front, we have designed standardized tests to characterize and measure the acoustic profile of paddles and balls. We're testing a cross section of paddle types/materials to establish baselines, and will create two paths to quieter equipment;  
**a) a separate category of certification for recreation equipment targeted to HOA's and municipal sites with acoustic sensitivity. This equipment would not be eligible for sanctioned competition.**

b) An incentive program for manufacturers to produce equipment that exhibits a lower acoustic signature and meets all certification specifications.

On Sun, Sep 25, 2022 at 4:09 AM Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)> wrote:

Mr. Matulyauskas

Thank you for your inquiry. We are working on a number of fronts regarding pickleball's acoustic signature; with over 10,000 documented sites, there are approximately .5% per year that have acoustic issues - largely due to lack of planning in the conversion of existing recreational facilities - e.g. tennis courts to pickleball courts in residential areas.

1) Regarding facilities - We are assisting in new site design, including using the services of an acoustic consulting firm, to prevent location in sensitive areas or to provide mitigation design input. These resources were funded and put in place this year at USA Pickleball's expense.

2) On the equipment front, we have designed standardized tests to characterize and measure the acoustic profile of paddles and balls. We're testing a cross section of paddle types/materials to establish baselines, and will create two paths to quieter equipment;

a) a separate category of certification for recreation equipment targeted to HOA's and municipal sites with acoustic sensitivity. This equipment would not be eligible for sanctioned competition.

b) An incentive program for manufacturers to produce equipment that exhibits a lower acoustic signature and meets all certification specifications.

Again, we appreciate your feedback.

In good health  
Carl



**Carl Schmits**

**Managing Director; Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374

USA Pickleball Association (USAPA)

Cell / Text: 480.382.2275

<b>Name:</b>	Vitautas Matulyauskas
<b>Email:</b>	<a href="mailto:vmatulis@gmail.com">vmatulis@gmail.com</a>
<b>Phone:</b>	(630) 747-4018
<b>Subject:</b>	Noise controls
<b>Message:</b>	What if anything is being done to make this sport less noisy. If solution is not found soon, the will continue to grow. Lawsuits are popping up left and right.  Please advise.

**Dan Garvy**

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Thursday, January 12, 2023 1:38 PM  
**To:** Dan Garvy; Carl Schmits  
**Subject:** Re: Noise controls

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

I'll send a Google Meets invite



**Carl Schmits**

**Managing Director; Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Thu, Jan 12, 2023 at 11:17 AM Dan Garvy <dgarvy@lisleparkdistrict.org> wrote:

No sweat, just didn't want to call you at 5 am! Would you prefer I call you at 480-382-2275?

---

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Thursday, January 12, 2023 12:48 PM  
**To:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Subject:** Re: Noise controls

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My calendar was still on CST, I've resent the invite. Tnx for the heads up



**Carl Schmits**

**Managing Director; Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374

USA Pickleball Association (USAPA)

Cell / Text: 480.382.2275

On Thu, Jan 12, 2023 at 10:44 AM Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)> wrote:

Hi Carl,

The meeting invite you sent the other day is for 7:00 am and that's how it is showing up on my calendar. That makes it what, 5 am your time? I'm assuming it's 7 your time and 9 mine. Just wanted to confirm, and who's calling who.

Thanks!

Dan

---

**From:** Carl Schmits <[cschmits@uspickleball.org](mailto:cschmits@uspickleball.org)>

**Sent:** Monday, January 9, 2023 4:47 PM

**To:** Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)>

**Subject:** Re: Noise controls

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Dan

Yes, I am. I'm in mtgs in DFW through Wed, possibly traveling through Friday to add'l venues, TBC. Early next week is best, AM's ideal. Am available 0600 to 1100 PST most days.

Carl



**Carl Schmits**

**Managing Director, Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374

USA Pickleball Association (USAPA)

Cell / Text: 480.382.2275

On Mon, Jan 9, 2023 at 3:02 PM Dan Garvy <[dgarvy@isleparkdistrict.org](mailto:dgarvy@isleparkdistrict.org)> wrote:

Hi Carl,

Just following up on our exchange from last week. Are you able to lend a hand in looking into alternative sites for pickleball within the Lisle Park District?

Thanks for your consideration.

Dan

**Dan Garvy, MS, CPRP**

Director of Parks & Recreation

Lisle Park District

1925 Ohio Street

Lisle, IL 60532

☎: 630-353-4310

E: [dgaryv@lisleparkdistrict.org](mailto:dgaryv@lisleparkdistrict.org)

Connect With Us!



Discover the Opportunities!

[LisleParkDistrict.org](http://LisleParkDistrict.org)

**Save Ink – Switch to Century Gothic font. Consider the environment and don't waste paper – only print emails and computer files if you have to!**

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---

**From:** Dan Garyv  
**Sent:** Thursday, January 5, 2023 11:05 AM  
**To:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Subject:** RE: Noise controls

Hi Carl,

Thanks for the quick response. Unfortunate I am not available tomorrow as I am traveling for a funeral and visitation with my wife and mother in law. Can we schedule something for next week sometime?

Thanks again!

Dan

**From:** Carl Schmits <cschmits@usapickleball.org>  
**Sent:** Thursday, January 5, 2023 11:04 AM  
**To:** Dan Garvy <dgarvy@lisleparkdistrict.org>  
**Subject:** Re: Noise controls

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Dan- got your vmail- available early tomorrow?



**Carl Schmits**

**Managing Director; Equipment Standards &**

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374  
USA Pickleball Association (USAPA)  
Cell / Text: 480.382.2275

On Tue, Nov 8, 2022 at 7:41 AM Dan Garvy <dgarvy@lisleparkdistrict.org> wrote:

Hi Vitas and Carl,

Thanks for the connection Vitas. Just to set the record straight, I am the Director of Parks & Recreation for the Lisle Park District. The park district is a completely separate entity from the Village of Lisle, as I report directly to an elected board of park commissioners, where the Village of Lisle has their own elected officials and administration. We do not report to the village and aside from certain permitting requirements, they have very little authority over us. A bit confusing if you're not from Illinois, but I just wanted to clarify.

Thanks again Vitas!

Dan

**From:** Vitas Matulis <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)>  
**Sent:** Tuesday, November 8, 2022 9:36 AM  
**To:** Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)>  
**Cc:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Subject:** Fwd: Noise controls

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Dan, I am connecting you to Carl, he is a great resource for the future pickleball sites planning.

After talking to numerous people around the country my latest opinion is that pickleball can be safely installed at 300 feet without noise barriers and probably about 150 ft with noise barriers. Surrey park could be perfect location for the future courts.

Carl, Dan is our village's top park district official.

Sincerely,

Vitas Matulyauskas

----- Forwarded message -----

**From:** Carl Schmits <[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org)>  
**Date:** Tue, Oct 4, 2022 at 8:16 AM  
**Subject:** Re: Noise controls  
**To:** Vitas Matulis <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)>

Vitas - I'm happy to engage directly with the planners on this. Can you connect me with them?



Carl Schmits

Managing Director; Equipment Standards &

**Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374

USA Pickleball Association (USAPA)

Cell / Text: 480.382.2275

On Tue, Oct 4, 2022 at 6:15 AM Vitas Matulis <[vmatulls@gmail.com](mailto:vmatulls@gmail.com)> wrote:

Carl, the village is planning new pickleball courts in another location, and I hope you have some guidelines you could share.

I would really appreciate any!!

Vitas

**Dan Garvy**

---

**Subject:** Dan / Carl

**Start:** Thu 9/14/2023 7:30 AM  
**End:** Thu 9/14/2023 7:45 AM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** cschmits@usapickleball.org

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

**When**

Thursday Sep 14, 2023 · 05:30 – 05:45 (Pacific Time  
Los Angeles)

**Guests**

cschmits@usapickleball.org - organizer  
dgarvy@lisleparkdistrict.org  
[View all guest info](#)

**Reply** for dgarvy@lisleparkdistrict.org

Yes No Maybe

[More options](#)

[Join with Google Meet](#)

**Meeting link**

[meet.google.com/bgi-yrbu-cxo](https://meet.google.com/bgi-yrbu-cxo)

**Join by phone**

(US) +1 971-716-1089  
PIN: 212823085

[More phone numbers](#)

**Invitation from Google Calendar**

You are receiving this email because you are an attendee on the event. To stop receiving future updates for this event, [decline this event](#).

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)

**Dan Garvy**

---

**Subject:** Updated invitation: Dan / Carl @ Tue Jan 17, 2023 7am - 7:30am (PST)  
(dgarvy@lisleparkdistrict.org)

**Start:** Tue 1/17/2023 9:00 AM  
**End:** Tue 1/17/2023 9:30 AM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Organizer:** cschmits@usapickleball.org

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

This event has been updated

Changed: time

**When** **CHANGED**

Tuesday Jan 17, 2023 · 7am - 7:30am (Pacific Time - Los Angeles)

~~Tuesday Jan 17, 2023 · 5am - 5:30am (Pacific Time - Los Angeles)~~

**Guests**

cschmits@usapickleball.org - organizer  
dgarvy@lisleparkdistrict.org

[View all guest info](#)

Reply for dgarvy@lisleparkdistrict.org

Yes No Maybe

[More options](#)

[Join with Google Meet](#)

**Meeting link**

[meet.google.com/avf-hxuh-uyg](https://meet.google.com/avf-hxuh-uyg)

**Join by phone**

(US) +1 352-612-0283  
PIN: 679151005

[More phone numbers](#)

Invitation from Google Calendar

You are receiving this email because you are an attendee on the event. To stop receiving future updates for this event, [decline this event](#).

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)

**Dan Garvy**

---

**Subject:** Updated invitation: Dan / Carl @ Tue Jan 17, 2023 7am - 7:30am (PST)  
(dgarvy@lisleparkdistrict.org)

**Start:** Tue 1/17/2023 9:00 AM  
**End:** Tue 1/17/2023 9:30 AM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Organizer:** cschmits@usapickleball.org

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

**This event has been updated**

**Changed:** description

**Description** **CHANGED**

Are you able to lend a hand in looking into alternative sites for pickleball within the Lisle Park District?

Thanks for your consideration,

Dan

**Dan Garvy, MS, CPRP**

Director of Parks & Recreation

Lisle Park District

1925 Ohio Street

**Join with Google Meet**

**Meeting link**

[meet.google.com/avf-hxuh-uyg](https://meet.google.com/avf-hxuh-uyg)

**Join by phone**

(US) +1 352-612-0283

PIN: 679151005

[More phone numbers](#)

Lisle, IL 60532

P: 630-353-4310

E: [dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)

**When**

Tuesday Jan 17, 2023 - 7am - 7:30am (Pacific Time - Los Angeles)

**Guests**

[cschmits@usapickleball.org](mailto:cschmits@usapickleball.org) - organizer

[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)

[View all guest info](#)

**Reply** for [dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)

Yes

No

Maybe

[More options](#)

**Invitation from Google Calendar**

You are receiving this email because you are an attendee on the event. To stop receiving future updates for this event, decline this event.

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)

# **EXHIBIT G**

December 11-13, 2022 Email Exchange Referencing IPCB  
Contact (Chloe Salk)

*Director Garvy: 'regardless of whether or not this village exemption is  
legitimate'*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



Vitas Matulis <vmatulis@gmail.com>

---

## Why is this option not doable?

9 messages

---

**Vitas Matulis** <vmatulis@gmail.com>  
To: Dan Garvy <dgarvy@lisleparkdistrict.org>

Sun, Dec 11, 2022 at 3:36 PM

Dan, attached is my proposed option, this needs just a relocation of the baseball training cage. All infrastructure is there, we could fit up to 4, but at least 3 PB courts as shown there and also have lights. Vitas

Still waiting for the village reply about the authority to have noise exemptions.



**pickle relo options 3 -4 courts.png**  
861K

---

**Dan Garvy** <dgarvy@lisleparkdistrict.org>  
To: Vitas Matulis <vmatulis@gmail.com>

Mon, Dec 12, 2022 at 12:39 PM

Hi Vitas,

Thanks for your email and idea. I am recommending we stay away from Community Park and have conveyed that to others who have offered similar suggestions.

All of the baseball fields, softball fields, soccer fields, tennis courts, basketball courts, skate park, parking lots, the playground, etc. are in the floodplain, and some of them the floodway, of the East Branch DuPage River. Long story short, any work in the floodplain that adds more impervious area requires extensive engineering and permitting, and will trigger the need to provide detention, compensatory storage, and/or other special management areas. And these special management areas require excavation of another area within the park and would result in losing open turf, which many other user groups are struggling to find. As an example, we had to relocate the tennis courts when the aquatic park was expanded close to 20 years ago. Having no other legitimate options than to put the new tennis courts where they are today, we had to excavate that large naturalized detention area directly to the south of the courts. That used to be a flat turf area other user groups would occupy (soccer, t-ball, football, and others), but was required to satisfy the county's stormwater ordinance. In staff's opinion, we cannot afford to lose much more open turf areas, especially the area needed to construct pickleball courts and the requirements of the stormwater ordinance.

So while there might be enough space, the cost in engineering, permitting, and losing more flat, open turf

areas make that area undesirable to say the least. This is precisely why I will recommend we consider Tate Woods and to a lesser degree Surrey Ridge Athletic Complex.

I hope to connect with someone from the Village of Lisle today or tomorrow as we are playing a bit of phone tag. Once I do I'll circle back with you.

Thanks again for all the thought you're putting into finding a more suitable location for the courts.

Dan

---

**From:** Vitas Matulis <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)>  
**Sent:** Sunday, December 11, 2022 3:36 PM  
**To:** Dan Garvy <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)>  
**Subject:** Why is this option not doable?

**WARNING:** This email originated from outside of the Lisle Park District. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

[Quoted text hidden]

---

**Dan Garvy** <[dgarvy@lisleparkdistrict.org](mailto:dgarvy@lisleparkdistrict.org)>  
To: Vitas Matulis <[vmatulis@gmail.com](mailto:vmatulis@gmail.com)>  
Cc: Jon Pratscher <[jpratscher@lisleparkdistrict.org](mailto:jpratscher@lisleparkdistrict.org)>

Mon, Dec 12, 2022 at 5:19 PM

Hi Again Vitas,

I just had a conversation with Mike Smetana, Development Services Director at the Village of Lisle. We discussed your thought that their code violates the IEPA's regulations. Mike explained a couple things. One, he said they have a provision in their code that says something to the effect that their code does not supersede any other agency's jurisdiction. So if you feel they have overreached, and in your case I believe you are saying the IEPA's Illinois Pollution Control Board has offered that they have by exempting the Lisle Park District, he encouraged you to submit a complaint to the IEPA through the link below and they will likely do some investigating:

<https://www2.illinois.gov/epa/pollution-complaint/Pages/Submit-A-Complaint.aspx>

I'm thinking you already did that.

He also said their rationale for including us (and other public organizations) in their list of exemptions is because they don't want to get into the habit of telling other units of local government what to do in cases like this, and that school districts and park districts have their own elected officials who are held accountable by the public. In other words, and these are my words and not Mike's, if someone has a problem with how the park district is using their property, then that person should go to the park board, as they were elected to represent the public's best interests. You have done that and I hope you think we're being responsive so far.

## Electronic Filing: Received, Clerk's Office 06/03/2026

I left a voicemail for Chloe Salk from the Illinois Pollution Control Board and have not heard back. I just followed up with an email. I'd like to get more information from her before I provide a detailed report to the Park Board. I hope to hear from her this week.

Regardless of what she says, I still fully intend to continue to work with you and recommend to the park board that we cannot have a repeat of the 2022 season out at Abbeywood Park. We need to do something to give you all some relief.

So again, stay tuned and thank you again for your collaboration.

Dan

[Quoted text hidden]

---

**Vitas Matulis** <vmatulis@gmail.com>

Mon, Dec 12, 2022 at 5:51 PM

To: Bruce Montgomery <montgomery.bruce@gmail.com>, Saket Bhatnagar <saket.bhatnagar@gmail.com>, Vitas Matulis <vmatulis@gmail.com>

Please see Dan's response.

I am still trying to understand what is being stated here.

[Quoted text hidden]

---

**Vitas Matulis** <vmatulis@gmail.com>

Tue, Dec 13, 2022 at 9:29 AM

To: Dan Garvy <dgarvy@lisleparkdistrict.org>

Cc: Jon Pratscher <jpratscher@lisleparkdistrict.org>

Thanks for the response, which I find a bit confusing. I have not done anything with IEPA, besides simply exchanging a few emails with Chloe, I doubt she will shed any light on things.

Still not sure what Mike Smetana is saying regarding specifically item viii, if the park district is exempt or not from the noise ordinance. The way I am reading it seems like no blanket exemption is provided.

We do not need to invite the state into the local issue if it can be handled locally.

Vitas

[Quoted text hidden]

---

**Dan Garvy** <dgarvy@lisleparkdistrict.org>

Tue, Dec 13, 2022 at 9:45 AM

To: Vitas Matulis <vmatulis@gmail.com>

Cc: Jon Pratscher <jpratscher@lisleparkdistrict.org>

Thanks Vitas. Mike said we are exempt, but if anyone thinks differently, they are free to file a complaint with the IEPA and the IEPA will look into it.

I agree with keeping this a local issue, as I think we're on the right track.

[Quoted text hidden]

---

**Vitas Matulis** <vmatulis@gmail.com>

Tue, Dec 13, 2022 at 9:57 AM

## Electronic Filing: Received, Clerk's Office 06/03/2026

To: Dan Garvy <dgarvy@lisleparkdistrict.org>

Cc: Jon Pratscher <jpratscher@lisleparkdistrict.org>

I wish Mike to prove in writing what he is stating, provide any paperwork proving that statement, my opinion is: until we see something in writing, proving that exemption, it is wishful thinking on his part. According to well known item viii, it is not a blanket exemption and it does not make any sense that it could be. A few towns and districts around the country seem to be making a similar mistake. If item viii is being used here, we need more details clarifying this case and also we would need written authorization issued by the park district or someone to override the noise ordinance, the authorization would state the reasons for that override. So for now, the verbal response without much detail from Mike is definitely not enough.

Vitas

[Quoted text hidden]

---

**Dan Garvy** <dgarvy@lisleparkdistrict.org>

To: Vitas Matulis <vmatulis@gmail.com>

Cc: Jon Pratscher <jpratscher@lisleparkdistrict.org>

Tue, Dec 13, 2022 at 10:29 AM

Vitas,

We're willing to help with the specific situation of the pickleball courts at Abbeywood Park, regardless of whether or not this village exemption is legitimate. I am convinced based on what Mike told me, but again, that doesn't mean Jon and I aren't still willing to find a resolution to the noise generated by pickleball at Abbeywood Park. If you continue to have issue with Mike's interpretation of the Village Code, please contact him directly. His phone number is 630-271-4153, or his email address is [msmetana@villageoflisle.org](mailto:msmetana@villageoflisle.org)

[Quoted text hidden]

---

**Vitas Matulis** <vmatulis@gmail.com>

To: Dan Garvy <dgarvy@lisleparkdistrict.org>

Cc: Jon Pratscher <jpratscher@lisleparkdistrict.org>

Tue, Dec 13, 2022 at 10:41 AM

Thank you!

I appreciate any help.

Let me know of any news or meetings or steps that will be taken or any of my or neighbors actions needed.

Vitas

[Quoted text hidden]

# **EXHIBIT I-1**

April 24, 2025 FOIA Response

*Director Garvy as FOIA Officer: 'no records exist' of scheduled play*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



FOIA REQUEST RESPONSE

Requestor: Vitautas Matulyauskas / [vmatulis@gmail.com](mailto:vmatulis@gmail.com)

Date request received: April 16, 2025 via email at 3:57 pm

Response due: April 24, 2025

Response sent: April 24, 2025

Your requests and our response is as follows:

*Below, I outline the specific records and information I am requesting, covering the period from July 2021 to the present.*

**1. Information Presented to Commissioners on Pickleball Safety and Noise**

- o *Copies of all materials, including emails, reports, presentations, or documents, provided to Park District Commissioners regarding pickleball safety and noise concerns as provided by you or other responsible park district employees.*

**2. Pickleball Noise Studies and Research**

- o *Copies of all studies, research, or reports reviewed by the Park District on pickleball noise levels, including data on minimum setback distances to mitigate noise impacts on nearby residents.*
- o *Any internal or external analyses of noise levels generated by pickleball activities.*

**• Abbeywood Park Pickleball Issues (2023 Strategic Master Plan, Page 167)**

*Records on how the pickleball noise issues identified at Abbeywood Park were addressed and resolved, including any actions taken.*

Records provided via Dropbox link: [FOIA Vitas 041624 Records](#)

- Records regarding pickleball safety and noise concerns directly from staff do not exist. All such correspondence had been received from other sources and forwarded.
- Pickleball Noise Studies and Research:
  - o Various product data sheets, articles that were saved, Matulyauskas Report, model ordinance document, etc.
- Abbeywood Park Pickleball Issues – addressed, action taken, etc.
  - o Various staff reports, emails, memos, etc.

Dan Garvy, FOIA Officer  
Lisle Park District  
1925 Ohio Street  
Lisle, IL 60532

# **EXHIBIT I-2**

July 24, 2025 FOIA Response

*Director Garvy as FOIA Officer: 'no records exist' of scheduled play*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



FOIA REQUEST RESPONSE

Requestor: Vitautas Matulyauskas / [vmatulis@gmail.com](mailto:vmatulis@gmail.com)

Date request received: July 21, 2025 via email (sent on Sunday, July 20, 2025 at 7:22 am)

Response due: July 28, 2025

Response sent: July 24, 2025

Your requests and our response is as follows:

*Pursuant to the Illinois Freedom of Information Act (5 ILCS 140), I respectfully request the following public records:*

1. *For the full duration permitted by FOIA-mandated record retention policies, please provide documentation of any noise studies or sound measurements conducted by or on behalf of the Lisle Park District at any park district property.*
2. *Please indicate whether the Lisle Park District currently owns or has previously owned any sound or noise measuring devices. If so, please provide:*
  - o *A list of all noise measuring equipment currently or formerly in the possession of the district.*
  - o *The make and model of each device.*
  - o *Dates of purchase and/or disposal, if available.*

Records provided: No records exist

Dan Garvy, FOIA Officer  
Lisle Park District  
1925 Ohio Street  
Lisle, IL 60532

# **EXHIBIT M**

Park Board Regular Meeting Journal of Proceedings, July 17,  
2025

*Park Board unanimously declined further mitigation*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas



LISLE PARK DISTRICT  
JOURNAL OF PROCEEDINGS  
REGULAR MEETING  
Thursday, July 17, 2025  
7:00 p.m.

I. CALL TO ORDER AND ROLL CALL

President Altpeter called the meeting to order at 7:00 p.m.

Director Garvy Called Roll:

Commissioners Present In-Person:

Altpeter  
Nadeau  
Pereira  
Tapella  
Wessel

Commissioners Absent:

None

Staff Present Included:

Director of Parks & Recreation Garvy  
Superintendent of Finance Silver  
Superintendent of Recreation & Marketing Pratscher  
Superintendent of Parks Cerutti

II. PLEDGE OF ALLEGIANCE

President Altpeter led those in attendance in the Pledge of Allegiance.

III. PRESENTATIONS

None

IV. PUBLIC COMMENT

A. Mr. Vitas Matulyauskas referenced last month's meeting and said the park board does not believe there is a problem at the park and said there is a complete misunderstanding of the pickleball noise. He said the only common solution is quiet balls. He said for three years there have been suggestions to play with quiet balls, but there has been zero compliance. He explained that a quiet ball does not change the game except for pickleball players saying it makes the game less enjoyable. He said the park district should do whatever it takes to make a quiet ball policy and not make light suggestions.

B. Mr. John Gerding stated that the neighbor's objection to the courts' noise has escalated to obstinance, annoyance, and verbally aggressive and bullying behavior to some female players. He said this has consumed enormous amounts of time, energy and resources of the park district and village via relentless calls, emails, and repetitive demands at monthly meetings. He said it has been determined that there are no Lisle rules or laws being broken and specifically referenced the noise ordinance. Yet, he said the park district has gone out of its way to try to appease the neighbor with one concession after another, and he gave multiple examples. He said he lives only a few blocks away from the Abbeywood Park courts and drives by them almost daily and said he is amazed at the decrease in cars and players at the park. He said that was the intent and it has been achieved beyond expectations, yet the neighbors continue to want more. He referenced a

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specific time when Mr. Matulyauskas was seen playing on the courts with others using the same "noisy" equipment others use and asked if that was hypocritical. He said the neighbors are intent on turning the courts back to tennis and continue to make repeated demands over and over with the same complaints. He said the park and village board have done everything to appease the concerns of the neighbors. He said it is time to back away and turn your attention to the community as a whole.

C. Mr. Saket Bhatnagar spoke in support of Mr. Matulyauskas, stating that he lives near Abbeywood Park and is affected by the noise from the courts as well. He said he wants to make it clear that he shares Vitas' frustrations. He said he does not take an activist approach, but that he is equally impacted by the noise from the park. Mr. Bhatnagar shared his belief that the needs of the few cannot be ignored simply because there is a larger group standing in opposition. He also stated that the consistency of their complaints is due to feeling a lack of any progress being made to solve the issue. Mr. Bhatnagar said the number of players has gone down, and he thanked the board for that. He said however, it only takes one pop of the sound to awaken after a long night of work. He said he wants everyone to know this is a health issue and it only affects people who live closest to the park. He referenced Valley Forge Park and the park district's posting of a "no pickleball" sign. He asked if we could create an ordinance that says you have to use a quiet pickleball, and that would be a positive step. He said he is not against pickleball and acknowledged he has played, but he loves pickleball like he loves other racquet sports.

D. Ms. Margarita Matulyauskas turned and questioned Mr. John Gerding's opinions as a doctor, at which time President Altpeter stated public comment is to address the board, not the public. Ms. Matulyauskas explained how the noise affects the human body, that it doesn't affect the body right away, that it happens over time. She explained specific health issues she has suffered, saying the main reason is stress from the pickleball noise. She said Vitas can demonstrate what the noise is in reality, at which time Mr. Matulyauskas stepped forward and placed an instrument on the table in front of President Altpeter. President Altpeter objected, and Mr. Matulyauskas removed it and tried setting the device in front of Director Garvy, at which time Director Garvy said Mr. Matulyauskas is out of line with this conduct and he removed the device and returned to his seat in the audience. Mrs. Matulyauskas said playing with a foam ball does not result in players being less active, moving less or learning less but it will have a positive impact on the neighbors. She said the device Vitas had would have shown the noise exceeds 100 decibels. She referenced articles that report the harm noise has on neighbors, and said their house is the closest.

### V. APPROVE MEETING AGENDA

Commissioner Wessel moved to approve the meeting agenda. Commissioner Pereira seconded the motion.

Voice Vote:

Ayes: Wessel, Pereira, Altpeter, Nadeau, Tapella

Nays: None

Absent: None

Motion Passed.

### VI. CONSENT AGENDA ITEMS

Commissioner Nadeau moved to approve Consent Agenda items A through C including the voucher list in the amount of \$515,234.91. Vice President Tapella seconded the motion.

Roll Call Vote:

Ayes: Nadeau, Tapella, Altpeter, Pereira, Wessel

Nays: None

# Electronic Filing: Received, Clerk's Office 06/03/2026

Absent: None  
Motion Passed.

## VII. COMMUNICATIONS

None

## VIII. UNFINISHED BUSINESS

### A. Abbeywood Park Pickleball Courts – discussion and consensus

President Altpeter provided a summary of previous discussions regarding signage recommending but not requiring the use of “quiet” paddles and balls at the Abbeywood Park court, as well as staff efforts to create the signs and supplemental online material. Commissioner Nadeau commented that she was pleased with both the design of the signs and the informational website. Commissioner Wessel briefly discussed his thoughts on why the verbiage cannot be stronger than it currently is and said we cannot make a rule that we do not intend to enforce.

President Altpeter expressed concern that this is yet another thing the park district has researched and the board has discussed, and already they received emails that it will not be acceptable. She also reported an email from someone who was unable to attend the meeting, stating that they have been harassed on the pickleball courts. She said she fears new signage might encourage more bullying at the courts.

Vice President Tapella shared that she had met with three residents local to Abbeywood Park at the courts and that the meeting was both cordial and constructive. She said her opinion has not changed since last month which is to come up with signage that doesn't allude to policy that doesn't exist or contain any threats or negative language. She said they discussed the size of signage, placement and visibility of any signs that would be posted and said putting signage where the pickleball courts and players are as opposed to by the gate, where everyone just walks right by without reading it. Vice President Tapella mentioned that she thought the proposed signage was a good first draft, but she has some ideas to improve the verbiage that she will share with staff at another time. She said the last point that she and the neighbors discussed was permitting residents, at their own expense but with staff approval, to place quiet equipment in the court for public use.

President Altpeter asked the Board to confirm that updated signage would be the final effort by the Park Board to address the situation as this issue has taken considerable resources and staff time. All of the commissioners agreed that further steps would not be considered. Director Garvy briefly outlined what the next steps for creating and finalizing the new signs would be.

The Board briefly discussed and agreed that the sale of “quiet” pickleballs at the Recreation Center was not something that would be done going forward. The Park Board agreed to consider allowing residents to leave a container of “quiet” balls on the court for public use, but any signage that they may wish to put up for the purpose of explaining the use of the equipment must be approved by the Park District.

## IX. NEW BUSINESS

None

## X. STAFF REPORTS

### A. Teen Takeover Emergency Response Plan

Director Garvy thanked staff for their quick response to prepare a response plan in case such an event was to occur within the Lisle Park District. Vice President Tapella also expressed how impressed she was in how quickly staff worked to develop a plan.

## Electronic Filing: Received, Clerk's Office 06/03/2026

### B. Department Updates

None

### XI. SEASPAR REPORTS

None

### XII. OFFICER REPORTS

#### A. President Altpeter, Commissioner

President Altpeter shared that she attended the retirement party for Kathy Morava (SEASPAR) at River Bend Golf Club. She stated that it was nice to see the facility in use again. Also, she attended two of the Summer Entertainment Series concerts and was pleased to see the number of residents that attended. President Altpeter also expressed that she was happy to have been able to visit Camp Summer Quest when Senator Ellman visited.

President Altpeter offered thanks to staff for all the work that they have been doing, especially regarding the numerous special events that occurred in the early weeks of July.

#### B. Treasurer – Financial Reports ending June 30, 2025.

Superintendent Silver said the reports are submitted and confirmed that all District funds are either FDIC or fully collateralized. Superintendent Silver reported that the Recreation Fund is doing better than it was at the same time last year, and the Enterprise Fund is also doing well despite a loss of income from no longer leasing the restaurant space.

Commissioner Pereira asked about how the food options were going to which Superintendent Silver expressed that the intent is more to provide a service and have options available to patrons of the golf course once they have finished their round than to consider it as a money-making venture. Commissioner Pereria asked if the vendor is satisfied with the arrangement to which Superintendent Silver responded in the affirmative.

Commissioner Wessel asked if portion sizes had been adjusted to meet with demand. Superintendent Pratscher stated that this is still a work in progress, however, the Park District has been able to partner with the West Suburban Community Pantry to donate unused food items. Demand for items will continue to be monitored so that adjustments to offerings can be made as needed.

Lastly, Commissioner Silver reported that the Park District did purchase the Winfield bond for 90 days at 5%.

### C. Commissioners' Reports

None

### XIII. ADJOURN OPEN MEETING

Commissioner Wessel moved to adjourn the meeting. Vice President Tapella seconded the motion.

Voice Vote:

Ayes: Wessel, Tapella, Altpeter, Nadeau, Pereira

Nays: None

Absent: None

Motion Passed.

The meeting adjourned at 7:37 PM.

# **EXHIBIT N**

June 21 and June 25, 2024 Personal Emails

*Director Garvy's personal correspondence with Complainant*

Filed in Filing 1 (Motion to Strike Affidavit) PCB 2026-044 Complainant Vitautas  
Matulyauskas

**EXHIBIT N**

## **Director Dan Garvy's June 21 and June 25, 2024 Personal Emails to Complainant**

The following two emails were sent by Director Dan Garvy from his official Lisle Park District email account (dgarvy@lisleparkdistrict.org) to Complainant Vitautas ("Vitas") Matulyauskas (vmatulis@gmail.com) and other neighbors in June 2024. Both emails were produced by the Lisle Park District in response to a Freedom of Information Act request. Director Garvy is the sender of both emails.

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### **Email 1 – Director Garvy's June 21, 2024 Email**

**From:** Dan Garvy dgarvy@lisleparkdistrict.org **Sent:** Friday, June 21, 2024, 9:25 AM  
**To:** Vitas Matulis; Bruce Montgomery; Saket Bhatnagar; Tim Wessel; Jon Pratscher **Subject:** Abbeywood Park Plans

Hi Vitas, Bruce and Saket,

At last night's board meeting, I broached the subject of establishing the Abbeywood Park pickleball courts as "Quiet Pickleball Courts" as you Vitas suggested last month. There was some skepticism regarding how it could be effectively monitored, as well as the thought that once the Tate Woods Park courts become available later this year and that after July we will no longer be programming any activities at Abbeywood Park, we should all see some relief in the use of the Abbeywood Park courts.

Park Board President Tim Wessel is copied on this email as he has offered to meet with us (park district staff and the neighbors) to discuss some specifics on establishing quiet courts and each other's expectations in the hopes of finding some common ground. Superintendent of Recreation & Marketing Jon Pratscher would also join us.

So if you wouldn't mind, can you provide some dates and times when you all might be available over the next couple of weeks? Once you do, we can see what we can get on our calendars.

Lastly, Vitas, I received an email from Margarite last night that ended with, "Please convert those evil pickleball courts back to tennis courts ASAP."

We're looking forward to learning of your availability and I hope you all have a nice weekend.

Sincerely,

**Dan Garvy, MS, CPRP Director of Parks & Recreation**

Lisle Park District 1925 Ohio Street Lisle, IL 60532 E: dgarvy@lisleparkdistrict.org  
P: 630-353-4310

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### **Email 2 – Director Garvy's June 25, 2024 Email**

**From:** Dan Garvy dgarvy@lisleparkdistrict.org **Sent:** Tuesday, June 25, 2024, 9:41 AM **To:** Vitas Matulis; Bruce Montgomery; Saket Bhatnagar; Tim Wessel; Jon Pratscher **Subject:** Re:

Abbeywood Park Plans

Hi Vitas,

I understand. I truly hope you're recovery is going well.

Sincerely,

Dan