

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VITAUTAS MATULYAUSKAS,

Complainant,

v.

PCB 2026-044

(Citizens Enforcement – Noise)

LISLE PARK DISTRICT,

Respondent.

**COMPLAINANT’S MOTION FOR LEAVE TO CORRECT EXHIBITS I-1 AND I-2 AND
RELATED TEXTUAL DESCRIPTIONS IN COMPLAINANT’S JUNE 2, 2026 FILINGS**

Complainant Vitautas Matulyauskas, pro se, pursuant to 35 Ill. Adm. Code 101.500, respectfully moves the Board for leave to correct clerical and exhibit-assembly errors in two filings submitted on June 2, 2026: (1) Complainant’s Motion to Strike the Affidavit of Insufficient Knowledge (“Motion to Strike”), and (2) Complainant’s Motion for Leave to File a Focused Supplemental Memorandum, with the attached Supplemental Memorandum (“Supplemental Memorandum”). In support, Complainant states:

I. NATURE OF THE ERRORS AND BASIS FOR THIS MOTION

1. Upon post-filing review, Complainant discovered that the documents attached as Exhibits I-1 and I-2 to both June 2 filings do not match the textual descriptions of those exhibits. The document attached as Exhibit I-1 was, through an inadvertent error in assembling the combined PDFs from multiple FOIA productions, a duplicate of Exhibit A-1 (the April 24, 2025 FOIA response cover letter). The document attached as Exhibit I-2 — the District’s FOIA response of July 24, 2025 — certifies that no records exist of any noise studies or sound measurements conducted by or on behalf of the District and that the District owns no sound- or noise-measuring equipment; it does not address scheduled play, as its cover sheet stated.
2. The document intended as Exhibit I-1 exists and is attached hereto: the Lisle Park District’s FOIA response dated April 17, 2026, signed by Director Dan Garvy as FOIA Officer, covering the period May 1, 2022 through April 3, 2026. In it, the District certified, after the FOIA-required search: (i) that “[t]here are no public records responsive” to the request for records of any tournament, league, competition, or structured play event at the Abbeywood Park pickleball courts (Request No. 5); (ii) that “[t]here are no public records responsive” to the request for facility use permits or special event authorizations for organized or programmed pickleball activity at Abbeywood Park (Request No. 6); and (iii) that the District’s responsive scheduling

record is the Facility Reservations by Date report produced with that response — the same report filed as Exhibit L to the Supplemental Memorandum, which contains no Abbeywood Park pickleball entries after July 2024.

3. This motion is narrowly limited to correcting the exhibit attachments and the textual passages describing them. It does not re-argue any motion, raises no new claims, and does not alter the relief requested in either filing. It is filed before Respondent's June 16, 2026 response deadline, so Respondent suffers no prejudice and can respond to the filings as corrected.

II. CORRECTIONS COMMON TO BOTH FILINGS

4. Substitution of Corrected Exhibit I-1. The April 17, 2026 FOIA response described in Paragraph 2 above, attached hereto as Attachment 1, is submitted as Corrected Exhibit I-1 to both the Motion to Strike and the Supplemental Memorandum.

5. Corrected description of Exhibit I-2. The July 24, 2025 FOIA response remains in the record unchanged. Its corrected cover sheet (Attachment 2) accurately describes it: Director Garvy, as FOIA Officer, certified that no records exist of any noise studies or sound measurements conducted by or on behalf of the District at any District property, and that the District owns and has owned no sound- or noise-measuring equipment.

III. TEXTUAL CORRECTIONS TO THE MOTION TO STRIKE

6. Section F heading. "F. The Two FOIA 'No Records Exist' Certifications" is corrected to read: "F. The FOIA Certifications."

7. Paragraph 20 is corrected in its entirety to read:

"20. Corrected Exhibit I-1 is a Freedom of Information Act response issued April 17, 2026 — six weeks before the May 29, 2026 affidavit — by Director Garvy in his capacity as the Lisle Park District's designated FOIA Officer, responding to a request covering the period May 1, 2022 through April 3, 2026. In that response, Director Garvy certified, after the FOIA-required search of District records: (i) that there are no public records of any tournament, league, competition, or structured play event at the Abbeywood Park pickleball courts (Request No. 5); (ii) that there are no public records of any facility use permit or special event authorization for organized or programmed pickleball activity at Abbeywood Park (Request No. 6); and (iii) that the District's complete responsive scheduling record is the Facility Reservations by Date report produced with that response — a report containing no Abbeywood Park pickleball entries after July 2024. Exhibit I-2 is a separate FOIA response issued July 24, 2025, in which Director Garvy certified that no records exist of any noise studies or sound measurements conducted by or on behalf of the District at any District property, and that the District owns no sound- or noise-measuring equipment."

8. Paragraph 21 is corrected in its entirety to read:

“21. In the Answer, Respondent nevertheless denies — for lack of sufficient knowledge, supported by Director Garvy’s affidavit — the truth and veracity of the exhibits attached to the Complaint (Answer ¶ 12), including the Observed Pickleball Court Usage Log documenting the unscheduled, drop-in character of play at Abbeywood Park. Director Garvy cannot lack knowledge of the scheduling facts those exhibits document: six weeks before swearing the affidavit, he certified in writing, as FOIA Officer, the District’s complete scheduling record for Abbeywood Park. The ‘no records’ finding is his own institutional finding.”

9. Paragraph 19, first sentence, is corrected to read:

“19. Director Garvy now swears, in support of the Answer’s statements of insufficient knowledge, that he cannot attest to the truth or veracity of the Complaint’s exhibits — exhibits that document the character of the pickleball noise, the court-to-residence proximity at Abbeywood Park, and the Park District’s awareness of the noise impact.”

The second sentence of Paragraph 19 is unchanged.

10. Paragraph 23, first sentence, is corrected to read:

“23. Director Garvy’s sworn assertion of insufficient knowledge — extending to the truth and veracity of the Complaint’s exhibits documenting the character of the noise and the operational measures available to reduce it — directly contradicts his own outbound emails to the national equipment-standards authority over a twenty-month period addressing those very subjects.”

11. Paragraph 27-B, final sentence, (“He certified, twice, as FOIA Officer that no scheduled play exists at Abbeywood (Exhibits I-1, I-2).”) is corrected to read:

“He certified, as FOIA Officer, the District’s complete scheduling record for Abbeywood Park, confirming the absence of any tournament, league, structured play event, or facility use permit (Corrected Exhibit I-1), and separately certified that the District has never conducted or commissioned any noise measurement (Exhibit I-2).”

12. Title of Eric Ertmoed. The signature block within Exhibit D identifies Eric Ertmoed as Village Manager of the Village of Lisle. All references in the Motion to Strike describing Mr. Ertmoed as “Trustee,” “a Trustee of the Village of Lisle,” or “a sitting Village Trustee” — including the Section D heading, Paragraph 16, Paragraph 27-B, the exhibit index, and the Exhibit D cover sheet — are corrected to “Village Manager of the Village of Lisle.” The substance of Exhibit D is unchanged. A corrected cover sheet is attached as Attachment 4.

13. Exhibit index. The index entry for “Exhibits I-1 and I-2” is corrected to read:

“• Corrected Exhibit I-1 — April 17, 2026 FOIA response signed by Director Garvy as FOIA Officer, certifying that no public records exist of any tournament, league, competition, structured play event, or facility use permit at the Abbeywood Park pickleball courts for the period May 1, 2022 through April 3, 2026, and producing the

Facility Reservations by Date report as the District's complete scheduling record. •
Exhibit I-2 — July 24, 2025 FOIA response signed by Director Garvy as FOIA Officer, certifying that no records exist of any noise studies or sound measurements by or on behalf of the District and that the District owns no sound-measuring equipment.”

IV. TEXTUAL CORRECTIONS TO THE SUPPLEMENTAL MEMORANDUM

14. Paragraph 13(a) is corrected in its entirety to read:

“a. The Answer nowhere identifies any scheduled, discrete, or structured sporting activity at Abbeywood Park for the period at issue. Its answer to Paragraph 7 of the Complaint admits that ‘public pickleball activity occurs at various times throughout the day during hours established by Respondent,’ identifying no scheduled events. Its answer to Paragraph 12 denies — for lack of sufficient knowledge, supported by the Garvy affidavit — the truth and veracity of the Complaint’s exhibits, including the Observed Pickleball Court Usage Log documenting unscheduled drop-in use. The matter is squarely the institutional Director’s to know; his inability to identify any scheduled play is, functionally, an admission of its absence.”

15. Paragraph 13(b) is corrected in its entirety to read:

“b. Corrected Exhibit I-1 (the Park District’s April 17, 2026 FOIA response, signed by Director Garvy as FOIA Officer, covering the period May 1, 2022 through April 3, 2026) certifies that there are no public records of any tournament, league, competition, or structured play event at the Abbeywood Park pickleball courts (Request No. 5), and no public records of any facility use permit or special event authorization for organized or programmed pickleball activity at Abbeywood Park (Request No. 6). The same response identifies the Facility Reservations by Date report (Exhibit L) as the District’s responsive scheduling record for the period; that report contains no Abbeywood Park pickleball entries after July 2024 — the month in which the Park District itself elected to relocate all organized programming away from Abbeywood Park to other Park District facilities. Director Garvy confirmed that programming cessation in his own June 21, 2024 personal email to Complainant: ‘after July we will no longer be programming any activities at Abbeywood Park’ (Exhibit N, attached hereto). The FOIA certification is thus the Park District’s own institutional admission, covering the entirety of the period of ongoing violation at issue.”

16. Exhibit N. Paragraph 13(b) of the Supplemental Memorandum cites Exhibit N (Director Garvy’s June 21 and June 25, 2024 emails to Complainant), which was attached to the contemporaneously filed Motion to Strike but inadvertently omitted from the Supplemental Memorandum’s exhibit set. Exhibit N is attached hereto as Attachment 3 and is submitted as Exhibit N to the Supplemental Memorandum. It is identical to Exhibit N to the Motion to Strike.

17. Exhibit index. The Supplemental Memorandum’s index entry for “Exhibits I-1 and I-2” is corrected in the same manner as Paragraph 13 above, and the index is supplemented with: “•

Exhibit N — Director Dan Garvy’s June 21 and June 25, 2024 emails to Complainant (‘after July we will no longer be programming any activities at Abbeywood Park’).”

V. NO PREJUDICE; EFFECT OF CORRECTIONS

18. These corrections conform the filings to the underlying record. They do not alter the relief requested in either filing. In particular, the Motion to Strike’s request that the Board deem admitted Paragraphs 10 and 12 of the Complaint (Motion to Strike ¶ 29(c)) is unchanged, as those are the two paragraphs of the Complaint that Respondent answered for asserted lack of sufficient knowledge in reliance on the affidavit at issue. This motion is filed before Respondent’s response deadline; Respondent will respond to the filings as corrected. Complainant stands ready to file complete corrected versions of both June 2 filings, or a redlined comparison of the corrected passages, if the Board or the Hearing Officer prefers either format. Complainant regrets the errors.

VI. RELIEF REQUESTED

19. WHEREFORE, Complainant respectfully requests that the Board enter an order:
- a. Granting leave to correct Exhibits I-1 and I-2 and the related textual descriptions in Complainant’s June 2, 2026 filings as set forth herein;
 - b. Accepting Corrected Exhibit I-1 (Attachment 1), the corrected Exhibit I-2 cover sheet (Attachment 2), Exhibit N to the Supplemental Memorandum (Attachment 3), and the corrected Exhibit D cover sheet (Attachment 4) into the record as part of the respective June 2, 2026 filings, effective as of the original filing date;
 - c. Deeming the textual corrections set forth in Paragraphs 6 through 17 above incorporated into the respective filings;
 - d. Addressing this motion at or before the June 25, 2026 status conference; and
 - e. Granting such further relief as the Board deems just and appropriate.

Respectfully submitted,

/s/ Vitautas Matulyauskas

Vitautas Matulyauskas

Complainant, Pro Se

6282 Timberview Drive, Lisle, Illinois 60532

vmatulis@gmail.com • 630-747-4018

Dated: June 5, 2026

ATTACHMENTS

Attachment 1 — Corrected Exhibit I-1: April 17, 2026 FOIA Response (submitted as Exhibit I-1 to both the Motion to Strike and the Supplemental Memorandum)

Attachment 2 — Corrected cover sheet for Exhibit I-2, with the July 24, 2025 FOIA Response

Attachment 3 — Exhibit N to the Supplemental Memorandum: Director Garvy's June 21 and June 25, 2024 emails

Attachment 4 — Corrected cover sheet for Exhibit D (Motion to Strike)

CERTIFICATE OF SERVICE

I, the undersigned, certify that on June 5, 2026, I filed the foregoing Motion and attachments with the Clerk of the Illinois Pollution Control Board via the Board's Clerk's Office On-Line (COOL) electronic filing system, and served a true and correct copy upon the following by electronic mail:

Andrew S. Paine

Tressler LLP

233 S. Wacker Drive, 61st Floor, Chicago, IL 60606

apaine@tresslerllp.com

Counsel for Respondent Lisle Park District

Hearing Officer Bradley P. Halloran

Illinois Pollution Control Board

60 E. Van Buren Street Suite 630

Chicago, Illinois 60605 312.814.8917

Brad.Halloran@illinois.gov

_Vitautas Matulyauskas_____

Vitautas Matulyauskas, Complainant, Pro Se

CORRECTED EXHIBIT I-1

April 17, 2026 FOIA Response

Director Garvy as FOIA Officer: no public records of any tournament, league, structured play event, or facility use permit at Abbeywood Park (May 1, 2022 through April 3, 2026); Facility Reservations by Date report produced as the District's complete scheduling record

Submitted as Exhibit I-1 to the Motion to Strike Affidavit and to the

Supplemental Memorandum — PCB 2026-044

Complainant Vitautas Matulyauskas — Notice of Errata, June 2026



A PLACE WHERE EVERYONE BELONGS

1925 Ohio Street
Lisle, IL 60532

630-964-3410, ext. 0

info@lisleparkdistrict.org

lisleparkdistrict.org



VIA EMAIL (vmatulis@gmail.com)

Mr. Vitautas Matulyauskas
6282 Timberview Drive
Lisle, Illinois 60532

Re: FOIA Request

Dear Vitas:

Thank you for writing to the Lisle Park District ("Park District") with your request for information pursuant to the Illinois Freedom of Information Act ("FOIA" or "Act"), 5 ILCS 140/1 *et seq.* In an email sent on April 3, 2026, you submitted a request seeking the following public records:

RECORDS REQUESTED (date range: May 1, 2022 through April 3, 2026)

1.. *Scheduling and Reservation Records. All scheduling records, court reservation logs, booking calendars, or sign-up sheets documenting reserved or scheduled pickleball use at Abbeywood Park during the covered period.*

RESPONSE: Records provided: Registration system *Facility Reservations by Date* report

2.. *Organized Programming Records. All program schedules, class schedules, clinic schedules, or lesson schedules documenting any instructor-led or structured pickleball programming at Abbeywood Park, including:*

- *Instructor-led classes or clinics at any time during the covered period*
- *Any structured programming distinct from open drop-in recreational use*

RESPONSE: Records provided: Registration system *Facility Reservations by Date* report

3.. *Registration and Enrollment Records. All records documenting whether any registration or enrollment system applied to pickleball use at Abbeywood Park, including blank registration form templates, sign-in sheet formats, or administrative records describing any enrollment process. Please redact individual participant names. If no registration system applies to open drop-in pickleball use at Abbeywood Park, please affirmatively state that in writing.*

RESPONSE: Records provided:

- Link to park district registration page: [Registration for Lisle Park District](#)
- *Registration/Payment Receipts* for Abbeywood Park pickleball court activities

4.. *Instructor and Staff Assignment Records. All records documenting assignment of instructors or Park District staff to supervise or manage pickleball activities specifically at Abbeywood Park, including instructor schedules and contractor agreements.*

RESPONSE: Records provided: *Facilities Reservations by Date* report serves as instructor schedule

5.. Tournament and Competition Records. All records of any tournament, league, competition, or structured play event held at Abbeywood Park pickleball courts during the covered period, including brackets, results, standings, and participant communications.

RESPONSE: There are no public records responsive to this request.

6.. Facility Use Permits. All facility use permits or special event authorizations issued for organized or programmed pickleball activity at Abbeywood Park during the covered period.

RESPONSE: There are no public records responsive to this request.

Based on the nature of your request the Park District extended its time to respond pursuant to 5 ILCS 1240/3(e).

Please be advised that your request has been granted in part and denied in part. The Park District denied portions of your request for the following reasons:

- The responsive records contain certain private information (personal email, home address, personal telephone), as that term is defined in Section 2(c-5) of the Act, the disclosure of which is prohibited by 5 ILCS 140/7(1)(b).
- The Park District also redacted certain participant names at your specific direction in response to Request No. 3 above.

The Park District has completed a thorough search for all public records responsive to your request. Other than the public records enclosed herein, and the portions of those public records redacted in part for the reasons stated above, there are no other public records responsive to your request.

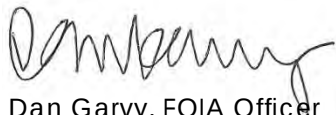
The undersigned is responsible for the partial denial of your request. You have a right to have the denial of your request reviewed by the Public Access Counselor ("PAC") at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: Public.Access@ilag.gov

You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Sincerely,



Dan Garvy, FOIA Officer
Lisle Park District

EXHIBIT I-2 — CORRECTED COVER SHEET

July 24, 2025 FOIA Response

Director Garvy as FOIA Officer: no records exist of any noise studies or

sound measurements conducted by or on behalf of the District;

the District owns no sound- or noise-measuring equipment

Exhibit I-2 to the Motion to Strike Affidavit and to the

Supplemental Memorandum — PCB 2026-044

Complainant Vitautas Matulyauskas — Notice of Errata, June 2026



A PLACE WHERE EVERYONE BELONGS

1925 Ohio Street
Lisle, IL 60532

630-964-3410, ext. 0

info@lisleparkdistrict.org

lisleparkdistrict.org



FOIA REQUEST RESPONSE

Requestor: Vitautas Matulyauskas / 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 N

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

“after July we will no longer be programming any activities
at Abbeywood Park”

Submitted as Exhibit N to the Supplemental Memorandum — PCB 2026-044

Complainant Vitautas Matulyauskas — Notice of Errata, June 2026

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.

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

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

EXHIBIT D — CORRECTED COVER SHEET

February 5, 2025 Email Exchange between Director Garvy and

Eric Ertmoed, Village Manager of the Village of Lisle

(“out of my hands” admission and comparative proximity analysis)

Exhibit D to the Motion to Strike Affidavit — PCB 2026-044

Complainant Vitautas Matulyauskas — Notice of Errata, June 2026