

9169-6

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

VITAUTAS MATULYAUSKAS	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 2026-044
	)	
LISLE PARK DISTRICT,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

To:

Vitautas Matulyauskas 6282 Timberview Dr. Lisle, IL 60532	Don Brown Clerk of the Board Illinois Pollution Control Board 60 E. Van Buren St., Ste. 630 Chicago, Illinois 60605	Bradley P. Halloran Hearing Officer Illinois Pollution Control Board 60 E. Van Buren Street, Ste 630 Chicago, Illinois 60605
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PLEASE TAKE NOTICE that on June 25, 2026, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois Respondent's Response in Opposition to Complainant's Motion for Leave to File a Focused Supplemental Memorandum in Response to Respondent's June 1, 2026 Answer and Response in Opposition to Complainant's Motion to Strike Affidavit of Insufficient Knowledge and to Deem the Contradicted Allegations Admitted, copies of which are attached hereto and hereby served upon you.

LISLE PARK DISTRICT

/s/ Andrew S. Paine  
Andrew S. Paine  
One of the Attorneys for Respondent

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**CERTIFICATE OF SERVICE**

I, Andrew S. Paine, an attorney, certify that I caused a copy of this Notice of Filing and the documents referenced therein to be served upon the below named individuals by electronic mail, this 25<sup>th</sup> day of June, 2026.

LISLE PARK DISTRICT

/s/ Andrew S. Paine

Andrew S. Paine

One of the Attorneys for Respondent

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LISLE PARK DISTRICT,	)	
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**RESPONSE IN OPPOSITON TO COMPLAINTAIN'T'S MOTION TO STRIKE  
AFFIDAVIT OF INSUFFICIENT KNOWLEDGE AND TO DEEM THE  
CONTRADICTED ALLEGATIONS ADMITTED**

Respondent, Lisle Park District (“Park District”), by and through its attorneys, Tressler LLP, and for its Response in Opposition to Complainant’s Motion to Strike Affidavit of Insufficient Knowledge and to Deem the Contradicted Allegations Admitted (“Motion”), states as follows:

**INTRODUCTION**

Complainant’s Motion takes issue with certain aspects of Respondent’s answer, with a particular focus on the want of knowledge affidavit attached to Respondent’s answer. In short, Complainant argues that the claimed lack of knowledge is untrue. However, as set forth in more detail below, Complainant is confusing the acknowledgement of the existence of an exhibit attached to the complaint, with an admission that the information contained in that exhibit is true and accurate. Respondent’s answer acknowledged that certain exhibits were in fact attached to the complaint. However, Respondent indicated, via affidavit, that it lacked sufficient 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. That is a critical difference. And that difference mandates a denial of Complainant’s motion.

**ARGUMENT**

**1. Respondent's Answer sufficiently alleges a lack of knowledge.**

Section 103.204(d) governs answers to a complaint, and states in relevant part:

All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer, unless respondent asserts a lack of knowledge sufficient to form a belief.

35 IL Admin Code 103.204(d). Respondent's answer includes certain statements indicating a lack of knowledge sufficient to form a belief, and is supported by a want of knowledge affidavit. The form of the insufficient knowledge affidavit is in a form utilized in various forms of litigation and adversarial proceedings throughout the state of Illinois, and contains the statements necessary under both 35 IL Admin Code 103.204(d) and 735 ILCS 5/2-610 to establish lack of sufficient knowledge.

**2. The existence of a document does not establish its accuracy or truthfulness**

Complainant's Motion spends a great deal of time attempting to establish Respondent's knowledge of the existence of the exhibit's attached to the Complaint. However, as stated above, the existence of a document is very different from, and does not, establish, that the facts and information set forth in that document are true and correct, are an admissible form of evidence, or have any particular value whatsoever.

Respondent's Answer does not deny the existence of the exhibits attached to the Complaint. Rather, it's answer acknowledges that certain documents are attached to complaint, but asserts that it lacks knowledge sufficient to form a belief as to the truth or accuracy of the information contained in that exhibit. And that is the purpose of a insufficient knowledge affidavit.

**3. Complainant is improperly attempting to introduce expert reports and testimony via Exhibit**

Complainant's exhibits consist of the following:

- Exhibit A: Sound Data Analysis Report by Robert M. Unetich, P.E. (Sept. 30, 2025)
- Exhibit B: Peer-reviewed study 'Pickleball noise: The physiological and psychological effects on nearby residents' by Romito and Fink (2025)
- Exhibit C: Observed Pickle ball Court Usage Log
- Exhibit S: Abbeywood park Pickleball story

The above include purported expert studies or reports, as well as documents purportedly created by Complainant. Expert testimony is properly introduced through written discovery, depositions, and trial testimony following the procedural rules of the Pollution Control Board and/or the Rules of Civil Procedure. This allows the parties and the Board to establish, challenge, or otherwise probe the witness's qualifications and experience, thereby ensuring their methodology is reliable, and directly linking their specialized knowledge to the disputed environmental, permitting, or enforcement issues. It is not properly introduced as evidence by attaching it as an exhibit to the Complaint. Simply attaching a purported expert opinion is not enough. Rather, the burden is the Complainant to not only plead a violation, but to prove the alleged violation using admissible evidence utilizing the proper procedural process established by Board rules and the Illinois Code of Civil Procedure.

### **CONCLUSION**

For the reasons stated above, Respondent has met its burden under 35 IL. Admin. Code 103.204(d) to sufficiently establish a lack of on which to form a belief as to the truth of the allegations contained in the Complaint. As such, Complainant's motion should be denied.

WHEREFORE, the Respondent, Lisle Park District, respectfully requests this Board deny Complainant's Motion and grant any other relief as this Board deems appropriate and just.

Respectfully submitted,

LISLE PARK DISTRICT

*/s/ Andrew S. Paine* \_\_\_\_\_  
Andrew S. Paine  
One of the Attorneys for Respondent

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**RESPONSE IN OPPOSITON TO COMPLAINANT’S MOTION FOR LEAVE TO FILE  
A FOCUSED SUPPLEMENTAL MEMORANDUM IN RESPONSE TO RESPONDENT’S  
JUNE 1, 2026 ANSWER**

Respondent, Lisle Park District (“Park District”), by and through its attorneys, Tressler LLP, and for its Response in Opposition to Complainant’s Motion for Leave to File a Focused Supplemental Memorandum in Response to Respondent’s June 1, 2026 Answer (“Motion”), states as follows:

Complainant is seeking leave to file a supplemental memorandum in response to Respondent’s answer. Importantly, Complainant has not cited any Board procedural rules, Administrative Code provisions, or Code of Civil Procedure provisions that support this request. In effect, Complainant is attempting to argue the substance of this matter at the pleading stage. Complainant will have an opportunity to establish a factual record and present his case utilizing the procedural rules available to him as this matter progresses. However, attempting to litigate and argue the merits of the complaint at this stage of the proceedings is procedurally improper and unsupported by applicable law. The purpose of the complaint and answer are to frame the issues in the case and identify areas of factual dispute. It is not designed as a mechanism to fully adjudicate the dispute. For the reasons stated above, Complainant’s motion should be denied.

WHEREFORE, the Respondent, Lisle Park District, respectfully requests this Board deny Complainant's Motion and grant any other relief as this Board deems appropriate and just.

Respectfully submitted,

LISLE PARK DISTRICT

*/s/ Andrew S. Paine*

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Andrew S. Paine

One of the Attorneys for Respondent

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