BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VITAUTAS MATULYAUSKAS,	)	
	)	
Complainant,	)	
	)	PCB 2026-044
v.	)	(Citizens Enforcement – Noise)
	)	
LISLE PARK DISTRICT,	)	
	)	
Respondent.	)	

NOTICE OF FILING

TO: Lisle Park District, c/o Andrew S. Paine, Tressler LLP, 233 S. Wacker Drive, 61st Floor, Chicago, Illinois 60606 (apaine@tresslerllp.com);

Hearing Officer Bradley P. Halloran, Illinois Pollution Control Board, 60 E. Van Buren Street, Suite 630, Chicago, Illinois 60605 (Brad.Halloran@illinois.gov).

PLEASE TAKE NOTICE that on September 8, 2026, I filed with the Clerk of the Illinois Pollution Control Board, via the Clerk's Office On-Line (COOL) electronic filing system, the attached COMPLAINANT'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT, with Attachment 1 (First Amended Complaint) and Attachment 2 (Comparison Copy showing changes from the January 5, 2026 Complaint), copies of which are served upon you with this Notice.

Respondent may be required to attend a hearing at a date set by the Board. If the Board grants leave to file the First Amended Complaint, the following notice applies to it under 35 Ill. Adm. Code 103.204(f):

> *Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.*

Vitautas Matulyauskas

_____

Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532
vmatulis@gmail.com | (630) 747-4018
Dated: September 8, 2026

Electronic Filing: Received, Clerk's Office 09/08/2026

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

AFFIDAVIT OF SERVICE

(Service by Non-Attorney — 35 Ill. Adm. Code 101.304(d)(2)(A), (d)(3), (d)(5))

I, Vitautas Matulyauskas, on oath or affirmation, state as follows:

1. On SEPTEMBER 8, 2026, I initiated service of the attached Notice of Filing, Complainant's Motion for Leave to File First Amended Complaint, Attachment 1 (First Amended Complaint), and Attachment 2 (Comparison Copy), totaling 19 pages including this Affidavit, upon the persons listed below.

2. U.S. Mail with recipient's signature recorded (35 Ill. Adm. Code 101.304(c)(2)(B)). By the time of 11:18 a.m. on that date, I deposited a complete copy with the U.S. Postal Service at the post office located at 817 OGDEN AVE., LISLE, IL, Lisle, Illinois, by Certified Mail, Return Receipt Requested (Article No. 9589 0710 5270 1595 2178 63), with proper postage prepaid, in an envelope addressed to: Lisle Park District, c/o Andrew S. Paine, Tressler LLP, 233 S. Wacker Drive, 61st Floor, Chicago, Illinois 60606. Service by this method has been initiated but not yet completed; the delivery confirmation bearing the recipient's signature will be filed, with a notice identifying this filing, within seven days after it becomes available to me (35 Ill. Adm. Code 101.304(d)(2)(B)).

3. E-mail (35 Ill. Adm. Code 101.1060; consent to e-mail service on file). On the same date, at approximately 11:45 a.m., from vmatulis@gmail.com, I transmitted a complete copy in PDF format to: Andrew S. Paine, Tressler LLP (apaine@tresslerllp.com); and Hearing Officer Bradley P. Halloran, Illinois Pollution Control Board (Brad.Halloran@illinois.gov). The transmission consisted of 19 pages.

Vitautas Matulyauskas (handwritten signature)
Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532

SUBSCRIBED AND SWORN to before me this 8th day of September, 2026.

Kimberly C. Espinoza
Notary Public (Notary Seal)

Official Seal
KIMBERLY C ESPINOZA
Notary Public, State of Illinois
Commission No. 1009652
My Commission Expires May 6, 2029

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

COMPLAINANT'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

(Directed to the Board)

Complainant, Vitautas Matulyauskas, pro se, pursuant to 35 Ill. Adm. Code 101.500, 101.504, and 103.206(d), respectfully moves the Board for leave to file the First Amended Complaint attached as Attachment 1. A comparison copy showing every change from the January 5, 2026 Complaint is attached as Attachment 2. In support, Complainant states:

BACKGROUND

1. Complainant filed this citizens' noise enforcement complaint on January 5, 2026, alleging that pickleball play at Abbeywood Park unreasonably interferes with the enjoyment of life and the use of his home, in violation of Section 24 of the Environmental Protection Act (415 ILCS 5/24) and 35 Ill. Adm. Code 900.102.

2. On April 2, 2026, the Board denied Respondent's motion to dismiss and accepted the complaint for hearing. Respondent filed its Answer and affirmative defenses on June 1, 2026. Both parties served written discovery on or before August 31, 2026; responses are due September 30, 2026 (Hearing Officer Order, July 27, 2026). No hearing date has been set.

3. Paragraph 8 of the Complaint ("Adverse Effects"), which Complainant drafted without counsel, contains allegations that Complainant's cardiovascular diagnosis and cardiac procedure, and certain medical conditions of his spouse (who is not a party), were caused by the pickleball noise, and cites a published study for the proposition that such noise causes physiological harm. Exhibit S to the Complaint, a background narrative, contains similar general statements.

4. Complainant included those allegations in the mistaken belief that a complainant before the Board must plead physical injury. They rest on no medical opinion; Complainant has never sought or obtained one. Complainant cannot prove, and does not ask the Board to find, that the noise caused or aggravated any medical condition of any person. The Board's remedies in an enforcement action are an order to cease and desist, abatement, and civil penalties (415 ILCS 5/33); the Board does not award damages for personal injury. The medical allegations are

therefore unnecessary to Complainant's claim, and Respondent's discovery has shown that they create confusion about what this case is.

THE PROPOSED AMENDMENT

5. The First Amended Complaint makes the following changes, together with the conforming signature and Section 1-109 certification block at paragraph 13:

(a) Paragraph 8 is rewritten to withdraw every allegation of medical diagnosis, medical causation, and personal injury, including every allegation concerning Complainant's spouse. The paragraph instead pleads the character, frequency, and degree of the interference with sleep, rest, work, concentration, ventilation, and the use of the home and yard—the facts relevant under Section 33(c)(i) of the Act. Interrupted sleep, lost concentration, the inability to use rooms of the home, and disrupted work are pleaded as interference with the enjoyment of life; they are not, and are not to be read as, a personal-injury claim.

(b) Exhibit B (Romito & Fink, 2025) remains incorporated by reference but is relied upon only for the acoustic character of pickleball noise and the reasons residents commonly experience it as intrusive—not for individual medical causation.

(c) Complainant does not incorporate or rely upon the previously filed Exhibit S ("Abbeywood park Pickleball story"), which is withdrawn as support for the operative complaint. Its general statements about distances, sound levels, and health effects are superseded by paragraphs 4, 6, and 8 of the First Amended Complaint.

(d) Paragraph 5 is corrected to quote Section 24 of the Act accurately and to state the Section 25 "organized amateur or professional sporting activity" issue as the Board framed it in its April 2, 2026 Order, deleting an erroneous reference to a subsection "25(f)," and to cite 35 Ill. Adm. Code 900.101 (not 415 ILCS 5/3.315) as the source of the definition of "noise pollution."

(e) Conforming corrections: "Complainants" is corrected to "Complainant" throughout, as Complainant's spouse is not a party; the reference to "night shifts" is corrected to describe Complainant's recurring on-call work schedule, which requires rest at irregular hours including daytime; the parenthetical distance estimate in paragraph 4 is replaced with the distance reflected in Complainant's expert report (Exhibit A) and in Respondent's own records; paragraph 4 describes the courts' availability as unscheduled drop-in play during posted park hours and distinguishes that play from any District-scheduled clinic; paragraph 3 identifies Respondent as the Lisle Park District, to the attention of its Director; and one sentence is added to paragraph 6 stating that the sound levels reported by Complainant's engineer are offered to describe the character of the noise and not to prove a violation of the numeric limits of 35 Ill. Adm. Code Part 901.

6. The materials filed with Complainant's February 13, 2026 Supplemental Memorandum are likewise not offered to prove that the noise caused or aggravated any diagnosed condition of Complainant or his spouse. They are relied upon only for the acoustic character of the noise, Respondent's notice of the problem, foreseeability, the availability of mitigation, and the factors of Section 33(c) of the Act.

7. The source and location of the noise (paragraph 6), its duration and frequency (paragraph 7), and the relief requested (paragraph 9) are unchanged. No claim, party, theory, or remedy is added.

ARGUMENT

8. The Board's procedural rules govern this proceeding. Under 35 Ill. Adm. Code 101.100(b), the Board may look to the Code of Civil Procedure and the Illinois Supreme Court Rules for guidance when the Board's procedural rules are silent. Section 103.206(d) requires a party who wishes to file an amendment to a complaint to move the Board for permission. For guidance, Section 2-616(a) of the Code (735 ILCS 5/2-616(a)) permits amendment "on just and reasonable terms" at any time before final judgment, and the considerations are whether the amendment cures a defect, whether the opposing party would be prejudiced or surprised, whether the amendment is timely, and whether earlier opportunities to amend existed. Loyola Academy v. S&S Roof Maintenance, Inc., 146 Ill. 2d 263, 273 (1992).

9. Cure. The amendment removes allegations that fall outside the relief the Board can grant and that Complainant cannot prove and does not intend to pursue. It narrows and clarifies the case to the Section 24 / Section 900.102 claim the Board accepted for hearing, and it corrects two statutory descriptions.

10. No prejudice or surprise. The amendment withdraws medical-causation allegations, corrects errors, and clarifies the existing interference allegations. Discovery responses are not yet due; no hearing is scheduled. Respondent is relieved of, not burdened by, the medical issues. The First Amended Complaint arises out of the same occurrences that are the subject of this proceeding (35 Ill. Adm. Code 103.206(e)(1)).

11. Timeliness. This is Complainant's first request to amend the substance of the Complaint. It is made during the first discovery period, promptly after Respondent's discovery requests revealed the confusion paragraph 8 created, and before any sworn discovery response has been served.

12. Withdrawn allegations. The withdrawn allegations of paragraph 8 and Exhibit S were made through mistake and inadvertence by a pro se litigant, for the reasons stated in paragraph 4 above. Their withdrawal is not a concession that pickleball noise is harmless; it reflects only that individual medical causation is not, and need not be, an issue in this proceeding. Complainant requests that the withdrawn allegations be treated as superseded and not as operative allegations or binding judicial admissions; any prior language should be considered in light of this clarification and the stated absence of a supporting medical opinion.

13. This motion does not stay or alter any discovery obligation or deadline (35 Ill. Adm. Code 101.502(c)). Complainant will serve his discovery responses on the existing schedule. Any discovery-related relief will be requested separately from the Hearing Officer.

14. Service. Complainant is serving the First Amended Complaint on Respondent, through its counsel of record, by U.S. Mail with recipient's signature recorded as well as by e-mail, and the accompanying Notice contains the language required by 35 Ill. Adm. Code 103.204(f). See 35 Ill. Adm. Code 101.304(b)(1), 101.304(c)(2), 103.206(e)(2).

WHEREFORE, Complainant respectfully requests that the Board grant leave to file the First Amended Complaint attached as Attachment 1, deem it filed as of the date of the Board's order, and grant such other relief as is just.

Respectfully submitted,



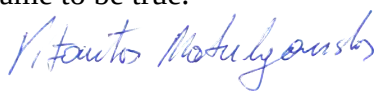
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Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532
vmatulis@gmail.com | (630) 747-4018

Dated: September 8, 2026

CERTIFICATION UNDER 735 ILCS 5/1-109

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Motion for Leave to File First Amended Complaint are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



_____

Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532
vmatulis@gmail.com | (630) 747-4018
Dated: September 8, 2026

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VITAUTAS MATULYAUSKAS,	)	
	)	
Complainant,	)	
	)	PCB 2026-044
v.	)	(Citizens Enforcement – Noise)
	)	
LISLE PARK DISTRICT,	)	
	)	
Respondent.	)	

ATTACHMENT 1

FIRST AMENDED COMPLAINT

(Citizens Enforcement – Noise)

Complainant, Vitautas Matulyauskas, pro se, for his First Amended Complaint against Respondent, Lisle Park District, states as follows:

1. Your Contact Information

Name: Vitautas Matulyauskas
Street Address: 6282 Timberview Dr.
County: DuPage
City, State: Lisle, Illinois, 60532
Phone: (630) 747-4018

2. Place Where You Can Be Contacted During Normal Business Hours

Same as above.

3. Name and Address of Respondent (Alleged Polluter)

Name: Lisle Park District (Attn: Dan Garvy, Director of Parks and Recreation)
Street Address: 1925 Ohio St.
County: DuPage
City, State: Lisle, Illinois, 60532
Phone: (630) 964-3410

4. Description of the Activity Causing Pollution

The Respondent owns, operates, controls, and permits unstructured public pickleball play on outdoor courts located at Abbeywood Park, 2211 Abbeywood Drive, Lisle, Illinois. The courts are made available for unscheduled, drop-in public play throughout posted park hours, without limits on the frequency or duration of play. To the extent Respondent has at times scheduled instructional clinics or lessons at the courts, those are not the activity complained of; the

interference alleged arises from the unscheduled drop-in play that occupies the courts throughout park hours. Courts were converted from tennis courts and are located well within 100 feet of Complainant's property line; Respondent's own Director of Parks and Recreation has acknowledged in writing that neighbors of Abbeywood Park, "some of whom live within 75 to 95 feet of the courts," are affected by the noise. Pickleball play at this location generates repetitive, impulsive, high-frequency noise emissions primarily from paddle-to-ball impacts. These impulsive sound events occur in rapid succession and at irregular intervals, producing a distinct and intrusive noise character that propagates beyond the park property boundaries and into nearby residential areas. The resulting sound emissions are readily perceptible at neighboring homes and interfere with the normal use and enjoyment of adjacent residential property.

5. Provisions Alleged to Be Violated

The Respondent has violated Section 24 of the Environmental Protection Act (415 ILCS 5/24), which provides that no person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under the Act.

The Respondent has also violated 35 Ill. Adm. Code 900.102, which provides that no person shall cause or allow the emission of sound beyond the boundaries of the property on which the sound originates where such emission causes noise pollution in Illinois or otherwise violates any provision of the Board's noise regulations. The sound emissions at issue constitute "noise pollution" as defined in 35 Ill. Adm. Code 900.101 because they unreasonably interfere with the enjoyment of life or lawful activity. A violation of these provisions may be established through qualitative evidence and is not dependent upon the applicability of numeric sound level standards.

Although 35 Ill. Adm. Code 901.107 exempts sound emissions from certain recreational park activities classified under LBCS Code 5500 from the numeric sound level limits set forth in 35 Ill. Adm. Code 901.102 through 901.106, that exemption is limited in scope and does not preclude application of the Act's general prohibitions under 415 ILCS 5/24 or the qualitative noise prohibition contained in 35 Ill. Adm. Code 900.102.

Section 25 of the Act (415 ILCS 5/25) provides that no Board standards for monitoring noise or regulations prescribing limitations on noise emissions apply to "any organized amateur or professional sporting activity." The pickleball play at issue consists of unscheduled, drop-in public play without leagues, officials, permits, tournaments, or scheduled events; it is not organized or controlled by Respondent as an event, and it offers no exhibition to the public. It is not an "organized amateur or professional sporting activity" within the meaning of Sections 3.310 and 25 of the Act, and Respondent has not established that the challenged unscheduled, drop-in pickleball play constitutes an organized or controlled sporting event offering exhibitions to the public within the meaning of those Sections.

6. Type and Location of Pollution

The pollution is noise, consisting of high-frequency, impulsive sound emissions (approximately 900-1,800 Hz) generated by pickleball play. The source is Abbeywood Park pickleball courts at

2211 Abbeywood Dr, Lisle, Illinois. The noise crosses the property boundary and impacts nearby residences, including the Complainant's home at 6282 Timberview Dr.

Measured 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. Exhibit A. These figures are offered to describe the character, audibility, and intrusiveness of the sound; Complainant does not allege a violation of the numeric sound limits of 35 Ill. Adm. Code Part 901.

7. Duration and Frequency

The noise has occurred since the conversion of the courts to pickleball use in approximately May 2022. It occurs repeatedly and frequently during park hours, often daily, from early morning through evening, particularly during spring, summer, and fall. Individual impacts occur dozens of times per minute and persist for hours when courts are occupied.

The condition is ongoing. The previously filed observed-usage log is Exhibit C.

8. Adverse Effects

The repetitive, impulsive pickleball noise unreasonably interferes with Complainant's enjoyment of life and the use of his residential property. The interference is substantial and frequent, far beyond minor or trifling annoyance, and reaches the core of home life: sleep, rest, work, and the ordinary use of indoor rooms and outdoor space. Complainant pleads these effects as interference with the enjoyment of life under Section 24 of the Act and 35 Ill. Adm. Code 900.102; he asserts no personal-injury claim and no claim that the noise caused or aggravated any medical condition.

Character of the sound. Each paddle-and-ball impact is an abrupt, high-frequency impulse (rapid onset of approximately 1–2 milliseconds) repeated dozens of times per minute for as long as play continues. That character makes the sound markedly more intrusive and penetrating than ordinary residential background noise, and it is plainly audible inside Complainant's home with the windows closed. The previously filed Proceedings of Meetings on Acoustics article by Romito and Fink, "Pickleball Noise: The Physiological and Psychological Effects on Nearby Residents" (Proceedings of Meetings on Acoustics, Vol. 56, 050001 (2025)) (Exhibit B), is cited for its description of the acoustic character of pickleball noise and its finding that residents living near courts commonly experience the sound as intrusive and distressing. It is not offered to establish that the noise caused any medical condition of Complainant or of any other person.

Frequency and duration. When weather permits, play occurs on most days, often from early morning through evening, and continues for hours at a time (Exhibit C). The interference has recurred every playing season since May 2022 and is ongoing.

Effects on the home. Complainant's home has four bedrooms, all on the second floor; approximately half of the living space, including the master bedroom, faces the courts. Respondent's Director of Parks and Recreation acknowledged in a January 2023 memorandum to Respondent's Board that neighbors' bedrooms and home offices on their second floors "face the courts and are inundated by pickleball noise when the courts are in use – even when the windows are closed," and that proposed sound-absorbing material "does not solve the problem of the noise reaching these bedrooms and home offices."

Sleep and rest. Complainant's employment includes a recurring on-call schedule that requires him to rest at irregular hours, including during the day. While play is under way he cannot fall asleep or return to sleep in the master bedroom, whether the windows are open or closed; a pillow over the head, earplugs, and noise-cancelling headphones do not block the impacts. The resulting lost sleep and fatigue are directly experienced consequences of the noise.

Work and concentration. Complainant used a court-facing second-floor bedroom as his home office and was forced to relocate his office to a first-floor room on the opposite side of the house. During work video calls, other participants have heard the pickleball impacts through his microphone and asked him to mute. Reading, concentration, and ordinary conversation are repeatedly interrupted.

Use of the home and yard. Complainant no longer opens the windows on the court-facing side of the house and relies on air conditioning instead of natural ventilation. Use of the yard, porch, and other outdoor areas while play is under way has been largely abandoned. Television and music at ordinary volume do not mask the impacts. Complainant has repeatedly changed where and when he works, rests, and relaxes, and has left his home to obtain relief.

Stress. The daily, unpredictable, hours-long repetition of impulsive noise, and the inability to escape it inside his own home, cause Complainant persistent stress and frustration. Complainant pleads this stress, and the lost sleep described above, as directly experienced interference with the enjoyment of life—evidence of the character and degree of the interference under Section 33(c)(i) of the Act—and not as a medical condition, a personal-injury claim, or a claim requiring medical proof.

Complainant, a senior who spends most of his time at home, is affected more than neighbors who are away during the day. Neighboring residents have reported the same interference to Respondent. Complainant makes no claim on behalf of his spouse, who is not a party to this proceeding.

9. Relief Requested

Through numerous statements and actions, the Park District has demonstrated that it is fully aware of the noise problems but refuses to implement readily available common-sense measures. Complainant is a member of USA Pickleball and believes the requested relief measures are feasible and reasonable.

The Complainant respectfully requests that the Board enter an order finding that the Respondent has violated the Environmental Protection Act and the Board's noise regulations as alleged herein, and requiring the Respondent to take such actions as are necessary to abate the noise pollution and prevent its recurrence. Without limiting the Board's discretion, Complainant requests that such relief include the following:

a. An order requiring the Respondent to cease and desist from causing or allowing noise pollution originating from the pickleball courts at Abbeywood Park and to implement effective noise-abatement measures sufficient to prevent unreasonable interference with the enjoyment of life or lawful activity beyond the property boundary;

b. An order requiring the Respondent to adopt and enforce reasonable operational controls governing the type of pickleballs permitted for use on the courts, including requiring the use of pickleballs meeting recognized quiet-performance criteria designed to substantially reduce impulsive, high-frequency noise emissions, such as foam or other low-noise pickleballs designated under the USA Pickleball Quiet Category or other objectively verifiable quiet-ball standards;

c. An order requiring the Respondent to post clear and conspicuous signage at the pickleball courts informing users of any ball-use restrictions adopted to comply with the Board's order;

d. An order requiring the Respondent to implement reasonable compliance measures sufficient to ensure adherence to any ball-use restrictions imposed pursuant to the Board's order, which may include monitoring, on-site provision of compliant balls, or other measures appropriate in light of the enforcement challenges identified in the attached expert Sound Data Analysis Report prepared by Robert M. Unetich, P.E. (Sept. 2025); Exhibit A

e. An order requiring such additional or alternative measures as the Board determines are necessary and appropriate to abate the noise pollution and prevent future violations, including operational limitations or cessation of use, should the Board determine that equipment-based controls alone are insufficient to achieve compliance, as discussed in the attached expert report.

Complainant further requests that the Board assess a civil penalty against the Respondent as authorized under the Environmental Protection Act and grant such other and further relief as the Board deems just and appropriate.

10. Duplicative or Similar Actions

The Complainant is not aware of any identical or substantially similar enforcement action brought before the Board or another forum against the Respondent for the same alleged noise pollution.

11. Representation

The Complainant represents himself as an individual and is not an attorney licensed to practice law in Illinois.

12. Attachments – additional material

The following exhibits were filed with the January 5, 2026 Complaint and are incorporated by reference without re-filing:

- Exhibit A: Sound Data Analysis Report by Robert M. Unetich, P.E. (Sept. 30, 2025)
- Exhibit B: Published Proceedings of Meetings on Acoustics article 'Pickleball noise: The physiological and psychological effects on nearby residents' by Romito and Fink (2025), relied upon only as stated in paragraph 8
- Exhibit C: Observed Pickleball Court Usage Log

Complainant does not incorporate or rely upon the previously filed Exhibit S ("Abbeywood park Pickleball story"), which is withdrawn as support for this First Amended Complaint.

13. Signature



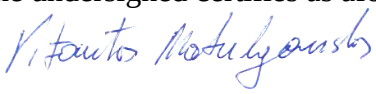
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Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532
vmatulis@gmail.com | (630) 747-4018

Dated: September 8, 2026

CERTIFICATION UNDER 735 ILCS 5/1-109

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this First Amended Complaint are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



_____

Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532
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Dated: September 8, 2026

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	)	
LISLE PARK DISTRICT,	)	
	)	
Respondent.	)	

ATTACHMENT 2

COMPARISON COPY — FIRST AMENDED COMPLAINT AGAINST JANUARY 5, 2026 COMPLAINT

Deleted text is shown in ~~red strikethrough~~; added text is shown in blue underline. Paragraphs 1, 2, 10 and 11 are unchanged; paragraphs 3–9 and 12 are changed as marked; paragraph 13 (signature and Section 1-109 certification) is updated to the September 8, 2026 execution block, as shown.

1. Your Contact Information

Name: Vitautas Matulyauskas
Street Address: 6282 Timberview Dr.
County: DuPage
City, State: Lisle, Illinois, 60532
Phone: (630) 747-4018

2. Place Where You Can Be Contacted During Normal Business Hours

Same as above.

3. Name and Address of Respondent (Alleged Polluter)

Name: ~~Dan Garvy, Lisle Park District~~ Lisle Park District (Attn: Dan Garvy, Director of Parks and Recreation)
Street Address: 1925 Ohio St.
County: DuPage
City, State: Lisle, Illinois, 60532
Phone: (630) 964-3410

4. Description of the Activity Causing Pollution

The Respondent owns, operates, controls, and permits unstructured public pickleball play on outdoor courts located at Abbeywood Park, 2211 Abbeywood Drive, Lisle, Illinois. The courts

are made available for ~~continuous open public use without restrictions on frequency, duration, or hours of play.~~ unscheduled, drop-in public play throughout posted park hours, without limits on the frequency or duration of play. To the extent Respondent has at times scheduled instructional clinics or lessons at the courts, those are not the activity complained of; the interference alleged arises from the unscheduled drop-in play that occupies the courts throughout park hours. Courts were converted from tennis courts and are ~~way too close to the properties. (45' from my property line)~~ located well within 100 feet of Complainant's property line; Respondent's own Director of Parks and Recreation has acknowledged in writing that neighbors of Abbeywood Park, "some of whom live within 75 to 95 feet of the courts," are affected by the noise. Pickleball play at this location generates repetitive, impulsive, high-frequency noise emissions primarily from paddle-to-ball impacts. These impulsive sound events occur in rapid succession and at irregular intervals, producing a distinct and intrusive noise character that propagates beyond the park property boundaries and into nearby residential areas. The resulting sound emissions are readily perceptible at neighboring homes and interfere with the normal use and enjoyment of adjacent residential property.

5. Provisions Alleged to Be Violated

The Respondent has violated Section 24 of the Environmental Protection Act (415 ILCS 5/24), which ~~prohibits any person from causing or allowing the emission of contaminants, including noise, so as to cause or tend to cause air pollution, endanger human health or welfare, or unreasonably interfere with the enjoyment of life or lawful business or activity beyond the boundaries of the property on which the emissions originate.~~ provides that no person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under the Act.

The Respondent has also violated 35 Ill. Adm. Code 900.102, which provides that no person shall cause or allow the emission of sound beyond the boundaries of the property on which the sound originates where such emission causes noise pollution in Illinois or otherwise violates any provision of the Board's noise regulations. The sound emissions at issue constitute ~~noise pollution as defined in 415 ILCS 5/3.315, in that~~ "noise pollution" as defined in 35 Ill. Adm. Code 900.101 because they unreasonably interfere with the enjoyment of life or lawful activity. A violation of these provisions may be established through qualitative evidence and is not dependent upon the applicability of numeric sound level standards.

Although 35 Ill. Adm. Code 901.107 exempts sound emissions from certain recreational park activities classified under LBCS Code 5500 from the numeric sound level limits set forth in 35 Ill. Adm. Code 901.102 through 901.106, that exemption is limited in scope and does not preclude application of the Act's general prohibitions under 415 ILCS 5/24 or the qualitative noise prohibition contained in 35 Ill. Adm. Code 900.102.

~~In addition, 415 ILCS 5/25(f) limits the Board's authority to adopt numeric sound level standards applicable to organized amateur or professional sporting activities. The pickleball activity at issue here consists of informal, unscheduled, open public recreational use without leagues, officials, permits, or organized events, and therefore does not constitute an organized amateur or professional sporting activity within the meaning of Section 25(f). Accordingly, sound emissions~~

~~resulting from such activity remain subject to regulation under the Act and the Board's general noise prohibitions where they cause or tend to cause noise pollution.~~ Section 25 of the Act (415 ILCS 5/25) provides that no Board standards for monitoring noise or regulations prescribing limitations on noise emissions apply to "any organized amateur or professional sporting activity." The pickleball play at issue consists of unscheduled, drop-in public play without leagues, officials, permits, tournaments, or scheduled events; it is not organized or controlled by Respondent as an event, and it offers no exhibition to the public. It is not an "organized amateur or professional sporting activity" within the meaning of Sections 3.310 and 25 of the Act, and Respondent has not established that the challenged unscheduled, drop-in pickleball play constitutes an organized or controlled sporting event offering exhibitions to the public within the meaning of those Sections.

6. Type and Location of Pollution

The pollution is noise, consisting of high-frequency, impulsive sound emissions (approximately 900-1,800 Hz) generated by pickleball play. The source is Abbeywood Park pickleball courts at 2211 Abbeywood Dr, Lisle, Illinois. The noise crosses the property boundary and impacts nearby residences, including the Complainant's home at 6282 Timberview Dr.

Measured 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. Exhibit A. These figures are offered to describe the character, audibility, and intrusiveness of the sound; Complainant does not allege a violation of the numeric sound limits of 35 Ill. Adm. Code Part 901.

7. Duration and Frequency

The noise has occurred since the conversion of the courts to pickleball use in approximately May 2022. It occurs repeatedly and frequently during park hours, often daily, from early morning through evening, particularly during spring, summer, and fall. Individual impacts occur dozens of times per minute and persist for hours when courts are occupied.

The condition is ongoing. ~~Observed Usage log is attached. Exhibit C~~ The previously filed observed-usage log is Exhibit C.

8. Adverse Effects

~~The repetitive, impulsive pickleball noise unreasonably interferes with the Complainants' enjoyment of life and use of their residential property, including outdoor activities, rest, relaxation, job duties, and concentration. The noise's impulsive and high-frequency characteristics—rapid onset of approximately 1-2 milliseconds, followed by high-density repetition over roughly 20 milliseconds—make it particularly intrusive, penetrating, and stressful compared to typical ambient residential sounds, akin to living adjacent to a pistol firing range.~~

~~These impacts are documented in the attached peer-reviewed study, "Pickleball Noise: The Physiological and Psychological Effects on Nearby Residents" by Kathleen M. Romito and Daniel Fink (Proceedings of Meetings on Acoustics, Vol. 56, 050001 (2025)). The study analyzes 246 self-reported mentions of adverse health effects from similar exposures, of which 45.9% were physical (including 46.0% nervous system effects, 25.7% cardiovascular effects, and~~

~~25.7% sleep disruption) and 54.1% psychological (including 51.3% severe distress or use of the term "torture," with two respondents reporting suicidal thoughts; 23.9% trauma or PTSD-like symptoms; and the remainder reporting anxiety, stress, and depression).~~

~~The study further explains how sustained exposure to impulsive noise activates a harmful physiological stress response, resulting in elevated heart rate, increased blood pressure, adrenaline and cortisol release, and vascular inflammation. Documented long-term risks include cardiovascular disease, stroke, dementia, and cognitive decline. (Exhibit B)~~

~~Personally, within the past decade, during an insurance health screening, the male Complainant was informed that he ranked in the top 5% of healthiest individuals in his age group. However, after approximately two years of exposure to the pickleball noise, he was diagnosed with cardiovascular disease and underwent a heart procedure (stent placement) in June 2024. Since that time, he has required frequent physician visits, multiple MRI scans of the head, and ongoing cardiac medications.~~

~~The spouse of a Complainant has likewise suffered unexplained health deterioration, including high blood pressure and persistent stress, necessitating multiple surgeries related to endocrine system dysfunction caused by chronic stress. The noise exposure has induced severe psychological distress described as "torture," exacerbating anxiety, hypervigilance, and PTSD-like symptoms, including nightmares and heightened sound sensitivity.~~

~~The male Complainant's employment requires night shifts, rendering him unable to sleep during daytime pickleball play hours and resulting in chronic sleep deprivation. As seniors who spend the majority of their time homebound, the Complainants are disproportionately affected compared to surrounding neighbors, leading to a significantly reduced quality of life, potential diminution of property value, and ongoing mental anguish.~~

The repetitive, impulsive pickleball noise unreasonably interferes with Complainant's enjoyment of life and the use of his residential property. The interference is substantial and frequent, far beyond minor or trifling annoyance, and reaches the core of home life: sleep, rest, work, and the ordinary use of indoor rooms and outdoor space. Complainant pleads these effects as interference with the enjoyment of life under Section 24 of the Act and 35 Ill. Adm. Code 900.102; he asserts no personal-injury claim and no claim that the noise caused or aggravated any medical condition.

Character of the sound. Each paddle-and-ball impact is an abrupt, high-frequency impulse (rapid onset of approximately 1–2 milliseconds) repeated dozens of times per minute for as long as play continues. That character makes the sound markedly more intrusive and penetrating than ordinary residential background noise, and it is plainly audible inside Complainant's home with the windows closed. The previously filed Proceedings of Meetings on Acoustics article by Romito and Fink, "Pickleball Noise: The Physiological and Psychological Effects on Nearby Residents" (Proceedings of Meetings on Acoustics, Vol. 56, 050001 (2025)) (Exhibit B), is cited for its description of the acoustic character of pickleball noise and its finding that residents living near courts commonly experience the sound as intrusive and distressing. It is not offered to establish that the noise caused any medical condition of Complainant or of any other person.

Frequency and duration. When weather permits, play occurs on most days, often from early morning through evening, and continues for hours at a time (Exhibit C). The interference has recurred every playing season since May 2022 and is ongoing.

Effects on the home. Complainant's home has four bedrooms, all on the second floor; approximately half of the living space, including the master bedroom, faces the courts. Respondent's Director of Parks and Recreation acknowledged in a January 2023 memorandum to Respondent's Board that neighbors' bedrooms and home offices on their second floors "face the courts and are inundated by pickleball noise when the courts are in use – even when the windows are closed," and that proposed sound-absorbing material "does not solve the problem of the noise reaching these bedrooms and home offices."

Sleep and rest. Complainant's employment includes a recurring on-call schedule that requires him to rest at irregular hours, including during the day. While play is under way he cannot fall asleep or return to sleep in the master bedroom, whether the windows are open or closed; a pillow over the head, earplugs, and noise-cancelling headphones do not block the impacts. The resulting lost sleep and fatigue are directly experienced consequences of the noise.

Work and concentration. Complainant used a court-facing second-floor bedroom as his home office and was forced to relocate his office to a first-floor room on the opposite side of the house. During work video calls, other participants have heard the pickleball impacts through his microphone and asked him to mute. Reading, concentration, and ordinary conversation are repeatedly interrupted.

Use of the home and yard. Complainant no longer opens the windows on the court-facing side of the house and relies on air conditioning instead of natural ventilation. Use of the yard, porch, and other outdoor areas while play is under way has been largely abandoned. Television and music at ordinary volume do not mask the impacts. Complainant has repeatedly changed where and when he works, rests, and relaxes, and has left his home to obtain relief.

Stress. The daily, unpredictable, hours-long repetition of impulsive noise, and the inability to escape it inside his own home, cause Complainant persistent stress and frustration. Complainant pleads this stress, and the lost sleep described above, as directly experienced interference with the enjoyment of life—evidence of the character and degree of the interference under Section 33(c)(i) of the Act—and not as a medical condition, a personal-injury claim, or a claim requiring medical proof.

Complainant, a senior who spends most of his time at home, is affected more than neighbors who are away during the day. Neighboring residents have reported the same interference to Respondent. Complainant makes no claim on behalf of his spouse, who is not a party to this proceeding.

9. Relief Requested

Through numerous statements and actions, the Park District has demonstrated that it is fully aware of the noise problems but refuses to implement readily available common-sense measures. ~~Complainant is a member of USA Pickleball association and strongly believes relief measures~~

~~requested are doable and reasonable.~~ Complainant is a member of USA Pickleball and believes the requested relief measures are feasible and reasonable.

The ~~Complainants respectfully request~~ Complainant respectfully requests that the Board enter an order finding that the Respondent has violated the Environmental Protection Act and the Board's noise regulations as alleged herein, and requiring the Respondent to take such actions as are necessary to abate the noise pollution and prevent its recurrence. Without limiting the Board's discretion, ~~Complainants request~~ Complainant requests that such relief include the following:

a. An order requiring the Respondent to cease and desist from causing or allowing noise pollution originating from the pickleball courts at Abbeywood Park and to implement effective noise-abatement measures sufficient to prevent unreasonable interference with the enjoyment of life or lawful activity beyond the property boundary;

b. An order requiring the Respondent to adopt and enforce reasonable operational controls governing the type of pickleballs permitted for use on the courts, including requiring the use of pickleballs meeting recognized quiet-performance criteria designed to substantially reduce impulsive, high-frequency noise emissions, such as foam or other low-noise pickleballs designated under the USA Pickleball Quiet Category or other objectively verifiable quiet-ball standards;

c. An order requiring the Respondent to post clear and conspicuous signage at the pickleball courts informing users of any ball-use restrictions adopted to comply with the Board's order;

d. An order requiring the Respondent to implement reasonable compliance measures sufficient to ensure adherence to any ball-use restrictions imposed pursuant to the Board's order, which may include monitoring, on-site provision of compliant balls, or other measures appropriate in light of the enforcement challenges identified in the attached expert Sound Data Analysis Report prepared by Robert M. Unetich, P.E. (Sept. 2025); Exhibit A

e. An order requiring such additional or alternative measures as the Board determines are necessary and appropriate to abate the noise pollution and prevent future violations, including operational limitations or cessation of use, should the Board determine that equipment-based controls alone are insufficient to achieve compliance, as discussed in the attached expert report.

~~Complainants further request~~ Complainant further requests that the Board assess a civil penalty against the Respondent as authorized under the Environmental Protection Act and grant such other and further relief as the Board deems just and appropriate.

10. Duplicative or Similar Actions

The Complainant is not aware of any identical or substantially similar enforcement action brought before the Board or another forum against the Respondent for the same alleged noise pollution.

11. Representation

The Complainant represents himself as an individual and is not an attorney licensed to practice law in Illinois.

12. Attachments – additional material

~~The following exhibits are filed separately in support of this Formal Complaint:~~ The following exhibits were filed with the January 5, 2026 Complaint and are incorporated by reference without re-filing:

- Exhibit A: Sound Data Analysis Report by Robert M. Unetich, P.E. (Sept. 30, 2025)
- Exhibit B: ~~Peer-reviewed study~~ Published Proceedings of Meetings on Acoustics article 'Pickleball noise: The physiological and psychological effects on nearby residents' by Romito and Fink (2025), relied upon only as stated in paragraph 8
- Exhibit C: Observed Pickleball Court Usage Log
- ~~Exhibit S: Abbeywood park Pickleball story~~ Complainant does not incorporate or rely upon the previously filed Exhibit S ("Abbeywood park Pickleball story"), which is withdrawn as support for this First Amended Complaint.

13. Signature

~~Vitautas Matulyauskas~~ [handwritten signature] Vitautas Matulyauskas, Complainant, pro se, 6282 Timberview Drive, Lisle, Illinois 60532, vmatulis@gmail.com | (630) 747-4018

~~Date: January 3, 2026, 2025~~ Dated: September 8, 2026

~~Certification (Optional). I, Vitautas Matulyauskas, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge. [signature]~~ CERTIFICATION UNDER 735 ILCS 5/1-109. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this First Amended Complaint are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true. [handwritten signature] Vitautas Matulyauskas, Complainant, pro se. Dated: September 8, 2026.