Electronic Filing: Received, Clerk's Office 09/25/2026

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

PLEASE TAKE NOTICE that on September 25, 2026, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois Respondent's Response to Complainant's Motion for Leave to File Amended Complaint and Request for Related Relief, a copy of which is attached hereto and hereby served upon you.

LISLE PARK DISTRICT

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

Attorney for Respondent, Lisle Park District
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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 25th day of September, 2026.

LISLE PARK DISTRICT

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

RESPONDENT'S RESPONSE TO COMPLAINANT'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND REQUEST FOR RELATED RELIEF

Respondent, LISLE PARK DISTRICT ("District"), by and through its attorneys, Tressler LLP, hereby responds to Complainant's Motion for Leave to File Amended Complaint and respectfully requests related relief concerning the filing of an amended answer and the discovery schedule. In support thereof, Respondent states as follows:

1. Pursuant to the discovery schedule previously established in this matter, the parties were required to serve written discovery on or before August 31, 2026.

2. Both parties timely served written discovery. Responses to that discovery were due September 30, 2026.

3. On September 8, 2026, after the deadline for service of written discovery but before responses were due, Complainant filed his Motion for Leave to File Amended Complaint ("Motion"), together with a proposed Amended Complaint.

4. On September 17, 2026, the parties participated in a telephonic status conference with the Hearing Officer. Following that conference, the Hearing Officer entered an Order suspending all discovery until the Motion is resolved.

5. Respondent has no objection to Complainant being granted leave to file the proposed Amended Complaint.

6. Respondent respectfully requests, however, that if the Board grants the Motion, Respondent be afforded the time permitted under the Board's procedural rules, or such other reasonable period established by the Board, to answer or otherwise respond to the Amended Complaint.

7. Respondent further requests that, following disposition of the Motion and the filing of Respondent's answer or other response to the Amended Complaint, the parties be afforded a reasonable period to review and, as appropriate, amend, supplement, withdraw, or serve additional written discovery in light of the operative pleadings, and that a revised discovery schedule thereafter be established by the Hearing Officer.

8. Such relief is appropriate because Complainant sought leave to amend his Complaint after the August 31, 2026 deadline for serving written discovery. The parties therefore formulated and served their existing discovery based upon the allegations and issues presented by the original Complaint. If amendment is permitted, the scope and substance of the operative allegations will have changed after the deadline for serving written discovery.

9. Respondent further notes that Complainant's previously served discovery includes approximately 510 Requests to Admit. Respondent anticipates asserting objections to those Requests to Admit and seeking an appropriate protective order pursuant to the Board's procedural rules before Respondent is required to answer the Requests.

10. Nothing in Respondent's lack of objection to Complainant's Motion, or in Respondent's request for a revised discovery schedule, should be construed as a waiver of any objection to Complainant's previously served discovery. Respondent expressly preserves all objections to Complainant's Requests to Admit and other written discovery, including its right to

seek a protective order or other appropriate relief concerning the scope, number, burden, relevance, duplication, or other propriety of such discovery.

11. Respondent therefore respectfully requests that, when discovery resumes following disposition of the Motion, the Hearing Officer establish a revised schedule that provides Respondent a reasonable opportunity to file and obtain a ruling upon its anticipated motion for protective order before Respondent is required to answer Complainant's Requests to Admit and other written discovery.

12. The requested relief will allow the parties to conduct discovery based upon the operative pleadings, avoid potentially unnecessary or duplicative discovery, and permit any disputes concerning the appropriate scope of discovery to be resolved before the parties incur the burden and expense associated with responding to disputed discovery.

WHEREFORE, Respondent, LISLE PARK DISTRICT, respectfully requests that the Board and/or Hearing Officer, as appropriate:

A. Grant Complainant's Motion for Leave to File Amended Complaint, to which Respondent has no objection;

B. Afford Respondent the time permitted under the Board's procedural rules, or such other reasonable period established by the Board, to answer or otherwise respond to the Amended Complaint;

C. Following disposition of the Motion and Respondent's answer or other response to the Amended Complaint, permit the parties a reasonable period to amend, supplement, withdraw, or serve additional written discovery in light of the operative pleadings and establish a revised discovery schedule;

D. In establishing a revised discovery schedule, provide Respondent a reasonable opportunity to file and obtain a ruling upon its anticipated motion for protective order concerning Complainant's Requests to Admit before Respondent is required to answer those Requests and other written discovery;

E. Provide that neither Respondent's lack of objection to the Motion nor any modification of the discovery schedule waives or prejudices any objection Respondent may assert concerning Complainant's previously served discovery, including the Requests to Admit; and

F. Grant such other and further relief as the Board or Hearing Officer deems appropriate.

Respectfully submitted,

LISLE PARK DISTRICT

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

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