BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

TO: Andrew S. Paine, Tressler LLP, 233 S. Wacker Drive, 61st Floor, Chicago, Illinois 60606 (apaine@tresslerllp.com), counsel for Respondent;

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

PLEASE TAKE NOTICE that on September 29, 2026, I filed with the Clerk of the Illinois Pollution Control Board, through the Clerk's Office On-Line (COOL), the following documents, copies of which are served upon you:

1. Complainant's Response to Respondent's Request for Related Relief; and
2. Complainant's Motion for Leave to File Response to Respondent's Request for Related Relief (35 Ill. Adm. Code 101.500(e)).

Vitautas Matulyauskas

_____

Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532
(630) 747-4018 · vmatulis@gmail.com
Dated: September 29, 2026

AFFIDAVIT OF E-MAIL SERVICE

(Service by Non-Attorney — 35 Ill. Adm. Code 101.304(d)(3), (d)(5), 101.1060(e))

I, Vitautas Matulyauskas, being first duly sworn on oath, state as follows:

1. I am the Complainant in this proceeding, appearing pro se. My e-mail address, from which the transmission described below was sent, is vmatulis@gmail.com.

2. On September 29, 2026, at approximately 8:25 a.m., I served the foregoing Notice of Filing, Complainant's Response to Respondent's Request for Related Relief, and Complainant's Motion for Leave to File Response to Respondent's Request for Related Relief (35 Ill. Adm. Code 101.500(e)) by electronic mail, in PDF format, pursuant to Respondent's consent to e-mail service in this proceeding, upon Andrew S. Paine, Tressler LLP, 233 S. Wacker Drive, 61st Floor, Chicago, Illinois 60606, at apaine@tresslerllp.com, and upon Hearing Officer Bradley P. Halloran, Illinois Pollution Control Board, 60 E. Van Buren Street, Suite 630, Chicago, Illinois 60605, at Brad.Halloran@illinois.gov. The e-mail transmission contained 7 pages.

3. On the same date, I filed the same documents with the Clerk of the Board through the Clerk's Office On-Line (COOL). This affidavit documents service pursuant to 35 Ill. Adm. Code 101.304(d) and 101.1060, and is filed with the Clerk and served by e-mail on counsel of record for Respondent and on the Hearing Officer.

Vitautas Matulyauskas

Vitautas Matulyauskas, Complainant, pro se

6282 Timberview Drive, Lisle, Illinois 60532

vmatulis@gmail.com | (630) 747-4018

State of Illinois)

) ss.

County of DuPage)

Subscribed and sworn to before me this 29th day of September, 2026.

Notary Public

Official Seal
KYLE LEE BLAZEK
Notary Public, State of Illinois
Commission No. 1016501
My Commission Expires September 4, 2029

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LISLE PARK DISTRICT,	)	
	)	
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COMPLAINANT'S RESPONSE TO RESPONDENT'S REQUEST FOR RELATED RELIEF

Complainant, Vitautas Matulyauskas, pro se, responds under 35 Ill. Adm. Code 101.500(d) to the requests for related relief contained in Respondent's Response to Complainant's Motion for Leave to File Amended Complaint and Request for Related Relief, filed and served September 25, 2026 (the "Response"), and states:

1. On September 8, 2026, Complainant moved for leave to file his First Amended Complaint (Document 117107). Respondent states that it has no objection (Response ¶ 5; Request A). Complainant asks that leave be granted.

2. Complainant does not object to Respondent receiving the time provided by the Board's procedural rules, or another reasonable period set by the Board, to answer or otherwise respond to the First Amended Complaint (Request B).

3. Complainant agrees that, once the motion is resolved, both parties may supplement or withdraw previously served written discovery and, as to matters actually changed by the First Amended Complaint, serve additional written discovery, and that the Hearing Officer establish a revised discovery schedule (Request C).

4. Complainant asks that the revised schedule be definite and apply equally to both parties. Specifically, Complainant requests that the schedule set, in this order:

(a) a date, no later than 14 days after Respondent answers or otherwise responds to the First Amended Complaint, by which either party may move for a protective order or other relief concerning previously served or newly served written discovery, identifying the specific requests at issue;

(b) a date 14 days thereafter for responses to any such motion; and

(c) a single common date, later than the dates in (a) and (b), on which both parties' responses to outstanding written discovery are due, whether or not any motion under (a) is pending. Complainant suggests 42 days after Respondent's answer or other response to the First Amended Complaint. Responses to any specific requests that the Hearing Officer, by express order, excuses from that date would be due on the date set in that order.

5. Complainant opposes Request D to the extent it would postpone Respondent's responses to all of Complainant's written discovery until a protective-order motion that has not yet been filed is decided. Complainant requests instead that responses to outstanding discovery remain due on the common date unless the Hearing Officer expressly orders otherwise, and that any suspension so ordered be limited to the specific requests identified in that order. Discovery not subject to such an order should proceed on schedule. Complainant asks that this apply equally to both parties.

6. Under 35 Ill. Adm. Code 101.618(f), a party served with requests to admit ordinarily has 28 days, subject to any applicable order, to serve a sworn denial, a statement of the reasons it cannot truthfully admit or deny, or written objections, and "[i]f written objections to a part of the request are made, the remainder of the request must be answered within the period designated in the request." Objections must be stated with specificity. 35 Ill. Adm. Code 101.618(h). The Hearing Officer may also issue a protective order on motion. 35 Ill. Adm. Code 101.616(d). Neither procedure requires that all discovery await a ruling. Complainant asks that answers or specific written objections to all outstanding written discovery be served by the common date, and that every request, or part of a request, that is not the subject of a specific written objection or an express order of the Hearing Officer, including the interrogatories and requests for production to which Respondent has identified no objection, be answered by that date.

7. Respondent states that the amendment will change "the scope and substance of the operative allegations" (Response ¶ 8). The First Amended Complaint withdraws the medical allegations, corrects statutory references and several descriptive details, and adds no claim, party, theory, or remedy; the source, duration, and frequency of the noise and the relief requested are unchanged (Motion, Document 117107, ¶¶ 5, 7, 10). The written discovery both parties served on or before August 31, 2026 is directed to the same claim under Section 24 of the Act and 35 Ill. Adm. Code 900.102 that the Board accepted for hearing on April 2, 2026, and most of it is unaffected by the amendment. The amendment may warrant supplementing or withdrawing particular requests; it does not warrant restarting written discovery. Any period for new written discovery should therefore be limited to matters actually changed by the amendment.

8. Respondent has not filed a motion for protective order, and no ruling has been made on the scope, number, or propriety of either party's discovery. Complainant will respond to any such motion if and when it is filed. The Hearing Officer's July 27, 2026 order records Respondent's argument that issues concerning its answer and attached affidavit are appropriately addressed in discovery, and states that issues with the answer "can be fleshed out in discovery." Document 116798 at 1–2. That procedural history supports establishing definite deadlines for discovery responses, subject to specific objections and any protective relief expressly ordered by the Hearing Officer. Consistent with Request E, Complainant asks that neither the revised schedule nor this response be treated as a determination of, or a waiver of any position on, either party's discovery.

9. When Complainant served his Requests to Admit on August 31, 2026, he offered to withdraw the requests concerning the genuineness of documents if Respondent would stipulate to the genuineness of those documents. That offer remains open.

10. The relief requested here concerns scheduling only. A common and definite schedule, with exceptions only as the Hearing Officer expressly orders, allows any genuine discovery dispute to be resolved without a further blanket delay of all discovery.

WHEREFORE, Complainant, Vitautas Matulyauskas, respectfully requests that the Board and/or the Hearing Officer, as appropriate:

A. Grant Complainant's Motion for Leave to File First Amended Complaint;

B. Allow Respondent the time provided by the Board's procedural rules, or another reasonable period set by the Board, to answer or otherwise respond to the First Amended Complaint;

C. Establish a revised discovery schedule that applies equally to both parties and sets (i) a deadline, no later than 14 days after Respondent's answer or other response to the First Amended Complaint, for either party to move for a protective order or other relief concerning written discovery, identifying the specific requests at issue, (ii) a deadline 14 days thereafter for responses to any such motion, (iii) a single common date, after both of those deadlines, for both parties' responses to outstanding written discovery, whether or not any such motion is pending, and (iv) a period for supplementing or withdrawing previously served discovery, with new written discovery limited to matters changed by the First Amended Complaint;

D. Provide that responses to outstanding discovery remain due on that common date unless the Hearing Officer expressly orders otherwise, and that any suspension so ordered be limited to the specific requests identified in the order;

E. Provide that neither the revised schedule nor this response determines, or waives any position on, either party's previously served discovery; and

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

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), the undersigned certifies that the statement of fact in paragraph 9 of this Response, which is not otherwise of record, is true and correct.

Respectfully submitted,



_____

Vitautas Matulyauskas, Complainant, pro se
6282 Timberview Drive, Lisle, Illinois 60532
(630) 747-4018 · vmatulis@gmail.com
Dated: September 29, 2026

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

(35 Ill. Adm. Code 101.500(e))

Directed to the Board and, as to discovery scheduling, to the Hearing Officer

Complainant, Vitautas Matulyauskas, pro se, moves the Board for leave to file the accompanying Complainant's Response to Respondent's Request for Related Relief, to the extent it is treated as a reply, and states:

1. On September 8, 2026, Complainant filed his Motion for Leave to File First Amended Complaint (Document 117107).

2. On September 25, 2026, Respondent filed and served by e-mail its Response to Complainant's Motion for Leave to File Amended Complaint and Request for Related Relief. Respondent states that it has no objection to the amendment, but also requests additional relief: time to answer, a revised discovery schedule, and a schedule under which it would obtain a ruling on an anticipated motion for protective order before answering Complainant's Requests to Admit and other written discovery.

3. Those scheduling requests were not part of Complainant's motion, and Complainant has had no opportunity to address them. Complainant's accompanying filing responds to those new requests for relief under Section 101.500(d). To the extent it is treated as a reply in support of Complainant's own motion, Complainant requests the Board's leave to file it under Section 101.500(e).

4. Leave is needed to prevent material prejudice. Without it, the revised discovery schedule could be set on the basis of Respondent's requests alone, including a postponement of Respondent's responses to all of Complainant's written discovery pending a motion that has not been filed.

5. This motion is filed within 14 days after service of Respondent's filing. The accompanying response is brief, is limited to scheduling, and asks that the schedule apply equally to both parties. Granting leave will not prejudice Respondent or delay the proceeding.

WHEREFORE, Complainant respectfully requests that the Board grant leave to file Complainant's Response to Respondent's Request for Related Relief and accept it as filed on the date of this motion; alternatively, that the Hearing Officer permit the filing under Section 101.500(e) to the extent the relief requested concerns the discovery schedule; and that the Board or the Hearing Officer grant such other relief as is appropriate.

Respectfully submitted,



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Vitautas Matulyauskas, Complainant, pro se
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Dated: September 29, 2026