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DEC 22 2003

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MORRY GABEL, MYRA GABEL, DON)
FOREMAN, MARSHA FOREMAN, KEITH)
PINSONEAULT and TRACY PINSONEAULT,)

Complainants,)

vs.)

No. PCB 03-38)

THE WEALSHIRE, INC., an Illinois)
Corporation,)

Respondent.)

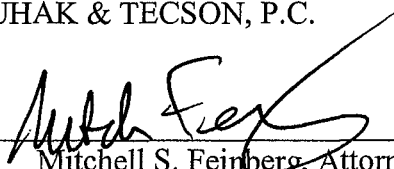
NOTICE OF FILING

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph – Suite 11-500
Chicago, IL 60601
FAX: 312-814-3669

Bruce T. Logan
Ash, Anos, Freedman & Logan, L.L.C.
77 W. Washington – Suite 1211
Chicago, IL 60602
FAX: 312-346-7847

PLEASE TAKE NOTICE that on the 22nd day of December, 2003, there was filed with the Illinois Pollution Control Board the attached **Complainant's Answers to Respondent's Request to Admit Facts**, a copy of which is herewith served upon you.

CHUHAK & TECSON, P.C.

By: 

Mitchell S. Feinberg, Attorney for
Complainants

Mitchell S. Feinberg
CHUHAK & TECSON, P.C.
Attorney for Complainants
30 S. Wacker Drive – Suite 2600
Chicago, IL 60606
312-444-9300
Firm ID No. 70693

DEC 22 2003

AFFIDAVIT OF SERVICE

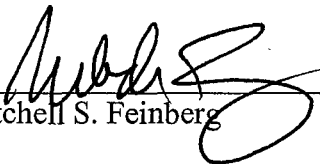
STATE OF ILLINOIS

The undersigned, being first duly sworn on oath, deposes and says that the cause to be heard served the above and foregoing Notice of Filing and Complainant's Answers to Respondent's Request to Admit Facts by sending a copy to:

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph - Suite 11-500
Chicago, IL 60601
FAX: 312-814-3669

Bruce T. Logan
Ash, Anos, Freedman & Logan, L.L.C.
77 W. Washington Street - Suite 211
Chicago, IL 60602
FAX: 312-346-7847

by depositing same in the U.S. Mail Chute at 30 S. Wacker Drive, Chicago, Illinois 60606, before 5:00 p.m. on December 22, 2003, with proper postage prepaid, and via facsimile to the numbers indicated above on December 22, 2003.

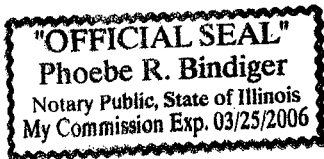


Mitchell S. Feinberg

SUBSCRIBED AND SWORN to before me
this 22nd day of December, 2003



NOTARY PUBLIC



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STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) ss
COUNTY OF CO O K)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MORRY GABEL, MYRA GABEL, DON)
FOREMAN, MARSHA FOREMAN, KEITH)
PINSONEAULT and TRACY PINSONEAULT,)

Complainants,)

vs.)

No. PCB 03-38

THE WEALSHIRE, INC., an Illinois)
Corporation,)

Respondent.)

**COMPLAINANT'S ANSWERS TO
RESPONDENT'S REQUEST TO ADMIT FACTS**

NOW COMES COMPLAINANT MORRY GABEL, by and through his attorney, Mitchell S. Feinberg, of Chuhak & Tecson, P.C., and for his Answers to Respondent's Request to Admit Facts, states the following:

1. That the complaint of noise allegedly emanating from The Wealshire is year round and not seasonal.

ANSWER:

Deny. In the Amended Complaint, Morry Gabel, one of the Complainants, stated that the noise occurs throughout the Spring, Summer and early Fall. This is still his position.

2. That the manufacturer of the chiller units complained of, i.e. Trane, does not manufacture or sell any type of enclosure to enclose the type of cooling units used by The Wealshire.

ANSWER:

Morry Gabel neither admits nor denies this Request to Admit No. 2, as Morry Gabel has not communicated with Trane, in general or specifically, regarding The Wealshire's chiller units.

3. That Trane, the manufacturer of the chiller units located at The Wealshire, does not specify or recommend that such chillers be enclosed.

ANSWER:

Morry Gabel neither admits nor denies this Request to Admit No. 3, as Morry Gabel has not communicated with Trane, in general or specifically, regarding The Wealshire's chiller units.

4. That Trane, the manufacture of the chiller units, recommends against the enclosure of the type of chiller units located at The Wealshire.

ANSWER:

Morry Gabel neither admits nor denies this Request to Admit No. 4, as Morry Gabel has not communicated with Trane, in general or specifically, regarding The Wealshire's chiller units.

5. That the recommendation of Greg Zak to enclose the chillers identified in his report dated December 31, 2002, is not based upon the specifications or recommendation of the manufacturer of the chiller units, Trane.

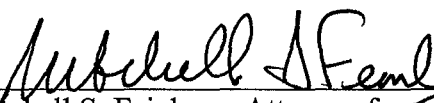
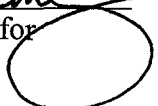
ANSWER:

Admits that Greg Zak's recommendation is not based on Trane's specifications or recommendations, but that in *Shelton v. Crown*, PCB 96-53, a case in which Mr. Zak was involved, the Trane chiller unit at issue there was enclosed and silencers were used and Trane was involved in the process.

Dated: December 19, 2003

Respectfully submitted,

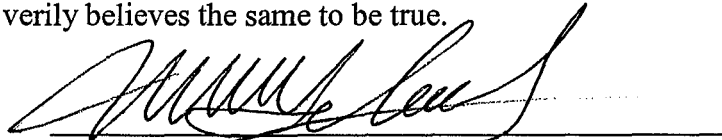
CHUHAK & TECSON, P.C.

By: 
Mitchell S. Feinberg, Attorney for
Complainants 

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Firm ID No. 70693

VERIFICATION

Under penalties as provided by law pursuant to Section 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument 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.



MORRY GABEL

Mitchell S. Feinberg
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