

**Marek Kruk, Complainant, v. New Trier High School, Respondent  
PCB 20-10 (Citizens Enforcement - Noise)**

**Complainant's Requests for production of documents to Respondent  
- Round 2  
March 24, 2023**

**Complainant's REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO Respondent**

Now comes, Complainant, Marek Kruk and hereby requests that Respondent respond to the following document requests in accordance with applicable Illinois law and all current case management orders of the Hearing Officer in this matter:

**DEFINITIONS**

The "District" or "district" as used in this document, means New Trier High School District No. 203, and each of its Board members, employees, officials, administrators, departments, agents, attorneys, representatives, boards, committees, and other individuals hired by the District.

Complainant or complainant means Marek Kruk

"And" and "or" shall be construed conjunctively and disjunctively as necessary to elicit the most complete and accurate response.

"Document" or "Documents" means, without limitation, every written, graphic or recorded matter of every kind and description, whether produced or reproduced, whether in draft or final form, whether in hard-copy or electronic format, whether an original or reproduction, including all data and data compilations stored in any medium from which information can be obtained or translated into a reasonably usable form, and any other materials similar to any of the foregoing, however denominated, including all non-identical versions, including, without limitation, papers, photographs, films, recordings, memoranda, books,

records, accounts, communications, and all retrievable information in computer storage, which are in the possession, custody, or control of the party upon whom this discovery request is served, or to which that party can otherwise lawfully obtain access.

“Relating to,” including its various forms such as “in regard to,” “referring to,” “regarding,” “concerning,” and “in connection with,” means: consists of, refer to, reflects, or be in any way logically or factually connected with the matter discussed.

## **INSTRUCTIONS**

A. The District is to produce all documents responsive to each request, wherever located, which are in the district’s possession, custody or control, including those documents in the possession, custody or control of any of your directors, officers, shareholders, representatives, agents, consultants, present or former attorneys, or employees.

B. The District is to produce the original, and all original copies of all requested documents as well as electronic copies in their native formats, including all versions, drafts, electronic comments or notes, and associated metadata.

C. If, in responding, the District encounters any ambiguity in construing either the request or any instruction relevant to the request, the district shall nonetheless respond to the request, set forth the matter deemed ambiguous, and set forth the construction used in responding to the request.

- If the district claims privilege as a ground for failing to produce any document requested, the district is to:
  - (1) Identify the author or originator of the document, the date authored or originated, the identity of each person to whom an original or a copy was addressed or delivered, the identity of each person known or reasonably believed by you to have present possession, custody or control thereof;

- (2) Discuss the factual basis for the district's claim of privilege in sufficient detail to permit the court to adjudicate the validity of that claim; and
- (3) Produce so much of each such document that does not contain privileged information or communications.
- When producing the requested documents, the District shall designate the specific requests to which the documents they produce are responsive or produce the documents as they keep them in the ordinary course of business.

The District shall interpret the singular form of a word in the plural, and the plural in the singular in order to maximize the scope of these requests. The district shall construe the words "and" and "or" either disjunctively or conjunctively as necessary to maximize the scope of these requests to cover documents which you might otherwise construe to be outside of the scope of these requests.

G. All documents produced pertinent to this request are to be produced in the form, order and manner in which they are maintained in Respondents's files.

H. This Request for Production of Documents is continuing and any document obtained or located subsequent to initial production, which would have been produced had it been available or its existence known at the time, is to be supplied by Respondent.

I. The relevant time period for purposes of these Requests shall be from January 1, 2017 to the present, unless otherwise stated.

## **REQUESTS FOR PRODUCTION**

1. Produce any and all reports and numeric measurements of noise emissions prepared by or for the district as they relate to this case, including but not limited to descriptions of corresponding measurement techniques and emissions results.
2. Produce all documents in the district's possession showing a compliance by the District of noise standards pursuant to the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.
3. Produce and identify with specificity each document you intend to introduce as an exhibit or to offer into evidence at trial.
4. Produce and identify with specificity all documents considered or used in providing the district's answers to the complainant's Interrogatories delivered simultaneously with this Request to Produce.
5. Produce and identify with specificity each document and all communications used by the district regarding understanding of the noise experts reports. Include all memoranda and electronic communications between the district employees to include Board of Education members as well as individuals involved externally that centered on discussions of noise emissions by the district.
6. Produce and identify with specificity each document used by the district to communicate with the vendor or contractor who designed, fabricated and installed the noise barrier wall for the dust collector. Include all memoranda and electronic communications between above mentioned vendor or contractor and district employees to include Board of Education members as well as individuals involved externally.

7. Produce and identify with specificity each document used by the district to approve funds for the noise barrier wall installed in the service dock to reduce noise from the dust collector as well as other expenditures for noise reduction measures. Include all documents, approvals, requests for approval, memoranda and electronic communications between the New Trier High School Board of Education or any other individual employed by the district or otherwise to approve above mentioned funds. Include any communication, memoranda or emails requesting approval and specific justifications for approval of the said funds.
8. Produce and identify with specificity each document, invoice, receipt, and work order used by the district to finance, and pay for the noise barrier wall installed in the service dock to reduce noise from the dust collector. Include all documents, approvals, memoranda and electronic communications between the New Trier High School Board of Education or any other individual employed by the district or otherwise to conduct business and transactions with the outside vendors and contractors.
9. Produce and identify with specificity each document used by the district to communicate and approve funds for noise consultants and experts hired to conduct measurements and provide expertise regarding noise on Woodland Ave. Include all memoranda and electronic communications between the district employees to include NTHS Board of Education members as well as individuals involved externally.
10. Produce and identify with specificity each document used by any district employee to justify approval of the funds to procure and finance the noise barrier wall installed in the service dock to reduce noise from the dust collector, roof top noise deflecting shields, as well as other expenditures for noise reduction measures. Include all memoranda and electronic communications between the district employees and vendors or contractors to include NTHS Board of Education members as well as other individuals involved externally.

11. Identify, provide names of the companies, outside vendors or contractors who performed the work on all noise reduction components to include installation of the noise barrier wall and roof top noise deflecting shields. Include address and contact information for above mentioned vendors and contractors. Include engineering drawings and recommendations for above mentioned noise reducing components.
12. Provide make and model number and/or the name of the dust collector installed in the service dock to include the manufacturer's part number and serial number. Include photograph of the manufacturer's data plate.
13. Provide all communications regarding recommendations received from the mechanical engineers who advised the district on noise reduction measures to include communication regarding the 13 roof top units. Provide any document, memoranda, emails, and written justification for not implementing the recommendations provided by the mechanical engineer. Attach engineering drawings.

Thank you,

Marek Kruk

3/24/2023