

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

MAREK KRUK	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 2020-010
	)	
NEW TRIER HIGH SCHOOL	)	
DISTRICT NO. 203,	)	
	)	
Respondent.	)	
	)	

**RESPONDENT’S SUPPLEMENTAL REQUESTS FOR PRODUCTION OF DOCUMENTS TO COMPLAINANT**

NOW COMES, Respondent, New Trier High School District No. 203 (the “District”), by and through its attorneys, Robbins Schwartz, Nicholas, Lifton and Taylor, Ltd, and hereby requests that Complainant respond to the following supplemental document requests in accordance with applicable Illinois law and all current case management orders of the Hearing Officer in this matter:

**DEFINITIONS**

A. “You” and “Your” refer separately and respectively to each Complainant that has filed a Complaint in the above captioned matter, and upon whom this request is served, including both conjunctively and disjunctively, Marek Kruk, or any other person or organization, such as an attorney, spouse, legal guardian, partner, employee, agents, representative, and their successors and assigns acting on behalf of Complainant for the purpose of the matter under inquiry.

B. The “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.

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

D. “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.

E. “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. You are to produce all documents responsive to each request, wherever located, which are in your 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. You are 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, you encounter any ambiguity in construing either the request or any instruction relevant to the request, you shall nonetheless respond to the request, set forth the matter deemed ambiguous, and set forth the construction used in responding to the request.

D. If you claim privilege as a ground for failing to produce any document requested:

- (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 your 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.

E. When producing the requested documents, you shall designate the specific requests to which the documents you produce are responsive or produce the documents as you keep them in the ordinary course of business.

F. You 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. You 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 Complainant'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 Complainant.

I. The relevant time period for purposes of these Requests shall be from January 1, 2018 to the present, unless otherwise stated.

**SUPPLEMENTAL REQUESTS FOR PRODUCTION**

1. Produce any report relating to the alleged violation of numeric noise standards in this case, prepared by or for you or any witness identified in your Answers to the District's Interrogatories delivered simultaneously with this Request to Produce.

2. Produce all numeric measurements taken of noise emissions at your property relating to your allegations against the District, including but not limited to descriptions of corresponding measurement techniques and emissions results.

3. Produce all documents in your possession showing a current violation 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.

4. Produce all documents in your possession demonstrating a current violation by the District of Illinois noise standards.

5. Produce and identify with specificity each Document you intend to introduce as an exhibit or to offer into evidence at trial.

6. Produce and identify with specificity all Documents considered or used in providing your Answers to the District's Interrogatories delivered simultaneously with this Request to Produce.

7. Produce and identify with specificity all Documents showing all numeric measurements taken of the noise emission at your property that strictly comply with the procedures outlined in Section 900.103 and Section 910.105 of Title 35 of the Illinois Administrative Code regarding Environmental Protection.

8. Produce and identify all correspondence between you and the District relating to the incidents alleged in your complaint with the Illinois Pollution Control Board.

9. Produce and identify all correspondence between you and any individuals, including but limited to friends, family, coworkers, neighbors, or associates, relating to the incidents alleged in your complaint with the Illinois Pollution Control Board.

10. Produce and identify all correspondence between you and any entity relating to the incidents alleged in your complaint with the Illinois Pollution Control Board.

11. Produce all numeric measurements taken of noise emissions at your property relating to your allegations against the District, including but not limited to descriptions of corresponding measurement techniques and emissions results, other than the measurements taken by Shiner Acoustics.

12. Produce and identify all documents you intend on using to meet your burden of proof regarding the District's alleged noncompliance with Pollution Control Board's noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)) that strictly complies with the measuring techniques listed in 35 Illinois Administrative Code §910.105.

13. Produce and identify all videos or audio recordings taken by you or any other individual to date regarding the District's alleged noncompliance with Pollution Control Board's noise regulations at Section 901.102(a) and (b)(35 Ill. Adm. Code 901.102(a), (b)) that strictly complies with the measuring techniques listed in 35 Illinois Administrative Code §910.105.

14. Produce and identify any social media (including but not limited to Facebook, Instagram, Twitter, TikTok, Next Door, Pinterest, etc.) that you are in possession of or have created regarding the allegations in your complaint with the Illinois Pollution Control Board.

Respectfully Submitted,

NEW TRIER HIGH SCHOOL  
DISTRICT NO. 203

By:           /s/ Kenneth M. Florey            
          One of its Attorneys

Dated: March 24, 2023

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