

**STATE OF ILLINOIS
POLLUTION CONTROL BOARD**

Stanley Boyd, et al., individually, and on)	
behalf of all others similarly situated,)	
)	
Complainants,)	PCB No. 25-052
)	(Enforcement – Public Water Supply)
v.)	
)	
AQUA ILLINOIS, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

**COMPLAINANTS’ MOTION TO VOLUNTARILY DISMISS THEIR
CLASS ACTION COMPLAINT AGAINST AQUA ILLINOIS, INC.**

NOW COME Complainants Stanley Boyd, Mary Buchanan, Lionell Clark, James Cole, Joan Cross, Chandra DeVance, Ellaray Edwards, Katrina Fox, Patricia Fynn, Annie Haywood, Joann Henderson, Gregory Hightower, Mohammad Iqbal, Linda Jacobs, Sonia Jeniks, Adrienne Jordan, Joseph Lovelace, Ryan Magruder, Kanika McDonald, Melferia Montgomery, Myrtis Neal, Sean Pettiford, Ruth Redmon, Lileta Rogers, John Schuricht, Brittany Snipes, Davonia Sorrell, John Sydnor, Linda Towner, Lisa Welcher-Silmon, Tika Westerfield, Tara Winters, and Jeanetta Wright (collectively, “Complainants”), individually, and on behalf of all others similarly situated, by and through counsel at Zimmerman Law Offices, P.C., and for their *Motion to Voluntarily Dismiss Their Class Action Complaint Against Aqua Illinois, Inc.*, state as follows:

1. On March 14, 2025, Complainants filed their Class Action Complaint (“Complaint”) against Respondent Aqua Illinois, Inc. (“Respondent”).
2. In the Complaint, Complainants assert common law causes of action for negligence, nuisance, and trespass, and seek recovery of monetary damages in connection with those claims. *See generally*, Complaint.

3. On April 17, 2025, Respondent filed its *Motion to Dismiss Class Action Complaint* (“Motion”) arguing, *inter alia*, that the Complaint should be dismissed as “frivolous”—as that term is defined by 35 Ill. Admin. Code 101.202—because it seeks relief (*e.g.*, monetary damages) that the Illinois Pollution Control Board (the “Board”) does not have the authority to grant. *See generally*, Motion.

4. After reviewing the authorities cited in the Motion, Complainants believe that the Board is likely unable to award them monetary damages in connection with their common law claims, as sought in the Complaint.

5. Without the ability to recover monetary damages from Respondent, Complainants no longer seek to pursue this matter before the Board.

6. Accordingly, Complainants request that the Board dismiss this matter without prejudice.

7. To be clear, aside from the Board’s inability to grant them the monetary damages relief they seek in the Complaint, Complainants disagree with the arguments raised in the Motion. As such, the instant request to dismiss without prejudice should *not* be construed as Complainants’ consent to the granting of the Motion or concession to any of the other arguments raised therein.¹

WHEREFORE, Complainants pray that this tribunal dismiss this matter without prejudice, and provide any further relief deemed just and appropriate under the circumstances.

¹ Since the request herein renders the Motion moot, Complainants will not be filing a response in opposition to the Motion. However, if the Board finds it necessary to address the Motion on its merits, Complainants request the opportunity to file a response in opposition to the Motion and/or for permission to amend the Complaint pursuant to 35 Ill.Admin.Code 103.206(d). Indeed, Complainants believe that they could pursue a viable claim before the Board against Respondent, albeit one which does not seek recovery of monetary damages.

Respectfully submitted,

By: s/ Thomas A. Zimmerman, Jr.

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NOTICE OF FILING & CERTIFICATE OF SERVICE

Illinois Pollution Control Board

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Respondents

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PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached *Complainants' Motion to Voluntarily Dismiss Their Class Action Complaint Against Aqua Illinois, Inc.*, copies of which are herewith served upon you.

Dated: May 14, 2025

Respectfully submitted,

By: s/ Thomas A. Zimmerman, Jr.

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