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JUL ¹⁰ 9 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

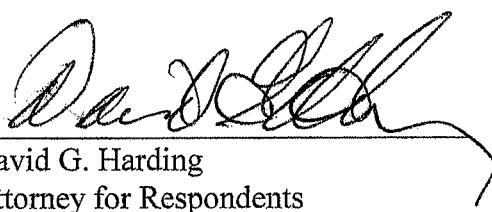
BARBARA STUART and RONALD STUART,
Complainants,
v.
FRANKLIN FISHER and PHYLLIS FISHER,
Respondents.

No. PCB 02-164
Citizen Enforcement

To: Dorothy M. Gunn Barbara & Ronald Stuart Bradley P. Halloran
Suite 11-500 213 E. Corning Road Suite 11-500
100 W. Randolph St. Beecher, IL 60401 100 W. Randolph St.
Chicago, IL 60601 Chicago, IL 60601

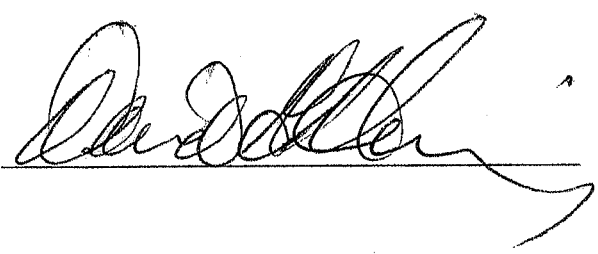
NOTICE OF FILING OF DOCUMENT DIRECTED TO HEARING OFFICER

PLEASE TAKE NOTICE that I have, on July 10, 2003, filed with the Office of the Clerk of the Pollution Control Board the Respondent's Motion to Compel Compliance with Discovery, a copy of which is herewith served upon you.


David G. Harding
Attorney for Respondents
100 N. LaSalle St., Suite 1107
Chicago, IL 60602-3803
(312) 782-3039

CERTIFICATE OF SERVICE

I, David G. Harding, certify that on July 10, 2003, I served the attached Response by delivery to Dorothy M. Gunn and Bradley P. Halloran at their address as shown above, and by pre-paid first class mail upon all others to whom directed to their addresses as shown above.



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 FISHER,)
 Respondent.)

STATE OF ILLINOIS
Pollution Control Board

No. PCB 02-164
Citizen Enforcement

MOTION TO COMPEL COMPLIANCE WITH DISCOVERY

Respondent, Franklin Fisher, herein moves to compel compliance with discovery, pursuant to 35 Ill.Adm.Code §101.610, and in support thereof, states as follows:

I. INTERROGATORY / REQUEST FOR PRODUCTION

1. On September 5, 2002, Respondents served Complainants with Interrogatories and Request for Production. Copies of requests and responses are attached as Exhibits A and B.
2. On October 10, 2003, Complainants responded to Respondent's Interrogatory 23, providing the name, address and telephone number of Gregory Zak as an expert/opinion witness, but failed to provide, as requested, the expert's report, stating that it was still being prepared.
3. Contacting the expert directly in early April of 2003, Respondent's attorney was told that no report had been prepared, but that Mr. Zak had, indeed, been retained.
4. On April 25, 2003, Complainants broadcast to Dorothy Gunn, Bradley Halloran, Bobby Petrungarro and Greg Zak a libelous letter misrepresenting the content of that conversation and alleging unethical conduct against Respondent's counsel, including violation of an inapplicable rule which some of the recipients may not have known was in applicable.
5. Given Respondent's inability to obtain Mr. Zak's report without running the

risk of further such conduct by Complainants and the damage to an otherwise exemplary reputation for ethical conduct which would naturally result from further informal, although legitimate, attempts to obtain the report, an order compelling production of the report seems the only appropriate alternative.

II. REQUESTS FOR ADMISSION

6. On September 5, 2002 and March 20, 2003, Respondent served Requests for Admission upon Complainants. Requests are attached as Exhibits C and D; responses are attached as Exhibits E and F.

7. It appears that Complainants admitted all statements and the genuineness of all attached documents, but did so amid such a clutter of irrelevant and inappropriate verbiage and procedural critique that it may not be readily apparent that admissions were made.

8. Denials, pursuant to rule, were to have been made under oath, but neither Complainant submitted responses under oath.

9. For the sake of certainty, a finding of admission of each offered statement is appropriate on either basis – express admission in fact or admission by operation of law for failure timely to deny under oath.

WHEREFORE, Respondent, Franklin Fisher, moves for an order compelling compliance and finding admission in conformity with the foregoing.

Respectfully submitted,

David G. Harding
Attorney for Respondents
100 N. LaSalle St., Suite 1107
Chicago, IL 60602-3803
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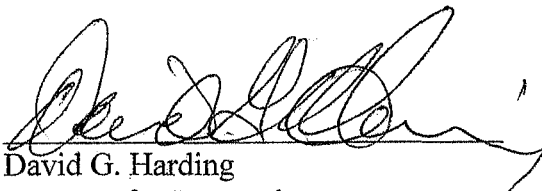
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Respectfully submitted,



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FRANKLIN FISHER,)	
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To: Barbara Stuart	and	Ronald Stuart
213 E. Corning Rd.		213 E. Corning Rd.
Beecher, IL 60401		Beecher, IL 60401

**INTERROGATORIES AND
REQUEST FOR PRODUCTION TO COMPLAINANTS**

Each complainant is hereby requested, in conformity with the provisions of 35 Ill. Adm. Code §101.202, §101.616 and §101.620, to answer the following interrogatories in writing, under oath, and to serve sworn answers and clear, accurate copies of all documents in your possession or control or readily obtainable by you containing information responsive thereto on respondent's attorney on or before October 4, 2002:

1. State the full name of the complainant answering, as well as your current residence address, date of birth, marital status, driver's license number and issuing state, and social security number.
2. State the full name and current residence address and telephone number of each person who witnessed or claims to have witnessed the occurrences that are the subjects of your complaint, including for each, the date of each such occurrence.
3. State the full name and current residence address of each person not named in interrogatory No. 2 above who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after any occurrence.
4. Have you filed any lawsuit or other proceeding alleging any fact alleged in the complaint in this proceeding? If so, state the court, the caption, the case number, the

claim filed, the demand for relief, the ultimate disposition and the name, address and telephone number of the person or organization who decided the issues.

5. Have you complained to any government or quasi-government official regarding any fact alleged or referred to in the complaint? If so, state the name, address, telephone number and position of each person to whom such a complaint was made, the date of the complaint, any file or identifying number assigned to the complaint and the action taken in response to the complaint.

6. Have you entered into any written agreements with the respondent, Franklin Fisher, or with any person or entity under which agreement provided any benefit to respondent, Franklin Fisher? If so, state the date of the agreement, the names, addresses and telephone numbers of all parties to the agreement, and the name, address and telephone number of each person in possession of a copy of the agreement.

7. Have you given any written or oral release to any party relating to any fact alleged or referred to in the complaint? If so, state the date of the release, the names, addresses and telephone numbers of all parties to the release, and the name, address and telephone number of each person in possession of a copy of the release.

8. Describe all injuries or losses to persons or property sustained as a result of any occurrence stated or referred to in your complaint.

9. With regard to any injuries to a person residing on your property, state:

a. The name, address and telephone number of each attending physician and/or health care professional;

b. the name, address and telephone number of each consulting physician and/or health care professional;

c. the name and address of each person and/or laboratory taking any X-Ray, MRI and/or other radiological tests of you;

d. the date or inclusive dates on which each of them rendered you service;

e. the amounts paid to date of their respective bills for services, and;

f. from which of them you have written reports.

10. With regard to any injuries to your property, state the exact nature of the injury, and if a loss was sustained, the value of the loss, and the method by which the loss was calculated.

11. As a result of your injuries, were you a patient or outpatient in any hospital and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.

12. As the result of your personal injuries, were you unable to work? If so, state:

a. The name and address of your employer, if any, at the time of the occurrence, your wage and/or salary, and the name of your supervisor or foreperson;

b. the date or inclusive dates on which you were unable to work;

c. the amount of wage/and or income loss claimed by you, and;

d. the name and address of your present employer and your wage and/or salary.

13. State any and all other expenses, losses or injuries to person or property you claim as a result of any occurrence alleged or referred to in your complaint. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm and/or company to whom such amounts are owed, whether the expense and/or loss in question has been paid, and if so, by whom it was paid, and describe the reason and/or purpose for each expense and/or loss.

14. Are you claiming any psychiatric, psychological and/or emotional injuries as a result of this occurrence? If so, state:

a. The name of the person injured;

b. The name of any psychiatric, psychological and/or emotional injury claimed and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury;

c. whether you had suffered any psychiatric, psychological and/or emotional injury prior to the date of the occurrence, and;

d. If the answer to (b) is affirmative, please state when and the nature of any psychiatric, psychological and/or emotional injury and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury.

15. Have you ever filed any other claim, suit or complaint of any kind with any court, administrative body or private mediation or arbitration service? If so, state the nature of the claim, suit or complaint, the name of the court or administrative body, and the captions in which filed, the years filed, and the titles and docket numbers of each.

16. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons or instrumentalities involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address and occupation and employer of the person taking them.

17. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence(s) complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by complainants or the manner in which the occurrence(s) complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:

- a. The date or dates of such conversations and/or statements;
- b. The place of such conversations and/or statements;
- c. All persons present for the conversations and/or statements;
- d. The matters and things stated by the person in the conversations and/or statements;
- e. Whether the conversation was oral, written, recorded, filmed or videotaped, and;
- f. Who has possession of the statement if written, recorded, filmed or videotaped.

18. Do you know of any statements made by any person relating to the occurrences alleged or referred to in the complaint? If so, give the name, address and telephone number of each such witness and the date of the statement, and state whether such statement was written and/or oral, and the name, address and telephone number of each person who has possession of the statement if written, recorded, filmed or videotaped.

19. Have you, any person assisting in the preparation of your answers to these interrogatories, or any person who will be a witness at hearing ever been convicted of a misdemeanor involving dishonesty or a false statement or any felony? If so, state the name, address and telephone number of the person, the nature of the conviction, the statute under which charged, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.

20. Have you received any payment and/or other consideration from any source in relation to or in compensation for the injuries alleged in your complaint? If your answer is in the affirmative, state:

- a. The amount of such payment and/or other consideration received;
- b. the name of the person, firm, insurance company and/or corporation making such payment or providing other consideration and the reason for the payment and/or other consideration, and;
- c. whether there are any documents evidencing such payment and/or other consideration received.

21. State the date you or any person currently in residence first occupied, and all purposes for which you or any other person use the land and structures commonly known as 213 East Corning Road, Beecher, Illinois, and state the name of each person residing at that address and the relationship of each to you, and identify by Will County Recorder's document number and date of recording the document by which title was conveyed to the

current owner of that land.

22. Has any person taken any measurements of the sound which you alleged to be noise pollution? If so, state:

- a. The time, date and exact location (measured in feet from the nearest point on the lot line of each of the parties, and further measured in feet from any device alleged to have generated the measured noise) at which measurements were taken;
- b. the name, address and telephone number of the person who took the measurements;
- c. the make, model and serial number of each device used to measure the sound;
- d. the make, model and serial number of each device used to calibrate the sound measurement device, the time and date of the last calibration prior to the taking of measurements and the next calibration after taking measurements, and the deviation discovered or correction performed at each such calibration, and;
- e. all measurements produced, including peak, intermittent and ambient readings.

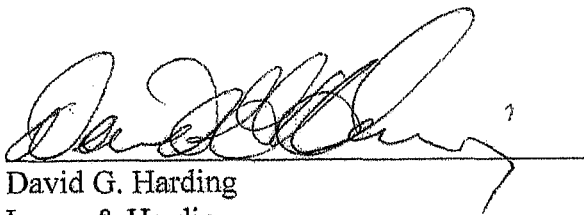
23. Provide the name, address and telephone number of each witness who will testify at hearing, and:

- a. As to lay witnesses, persons giving only fact or lay opinion testimony, identify the subjects on which each witness will testify;
- b. as to independent expert witnesses, persons giving expert testimony who are not parties, currently employed by one or more parties, or retained as experts by a party, identify the subjects on which the witness will testify and the opinions the party expects to elicit;
- c. as to controlled expert witnesses, persons giving expert testimony who are parties, currently employed by one or more parties, or retained as experts by a party identify:
 - i. The subject matter on which each such witness will testify;
 - ii. the conclusions and opinions of the witness and the factual, theoretical and scientific bases of each conclusion or opinion;
 - iii. the qualifications of each such witness, and;

iv. any reports prepared by the witness about the case.

24. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the occurrences and/or of the injuries claimed to have resulted therefrom.

25. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for any such claim of privilege or objection.



David G. Harding
Lopez & Harding
Attorneys for Respondent
Suite 2204, 134 N. LaSalle St.
Chicago, IL 60602-1121
(312)782-3039

PROOF OF SERVICE BY MAIL

I, David G. Harding, the attorney, certify that I served the foregoing interrogatories by mailing a copy to each person to whom directed and depositing the same in the U.S. mail at 134 North LaSalle Street, Chicago, Illinois at or before 4:00 p.m. on September 5, 2002, with proper postage pre-paid.

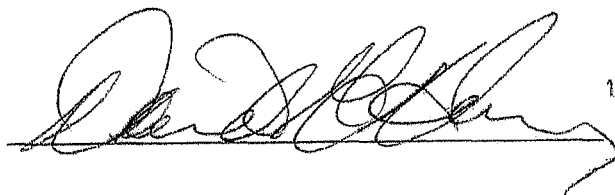


EXHIBIT
B

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

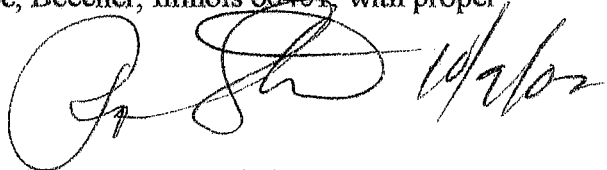
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)	No. PCB 02-164
	v.)	Citizen Enforcement
FRANKLIN FISHER)	
	Respondent)	
)	

To:
 David G. Harding
 Lopez and Harding
 Attorney for Respondent
 134 N. La Salle St. Suite 2204
 Chicago, Illinois 60602
 312-782-3039

**INTERROGATORIES RESPONSE
 REQUEST FOR PRODUCTION TO RESPONDENT**

CERTIFICATE OF SERVICE

We, Barbara Stuart and Ronald Stuart, certify that on October 10, 2002, we served the attached Interrogatories Response request to the attorney of the respondent Franklin Fisher by U.S. mail at the Beecher Post Office, Beecher, Illinois 60401, with proper postage pre paid.

Barbara Stuart 10-5-02 

All information has been submitted on recycled paper.

Please see responses to Interrogatories on the attached pages. Pages 2 thru 11

The following consists of the interrogatories responses to Mr. G. Harding for respondent Franklin Fisher.

1. Barbara and Ronald Stuart: address; 213 E. Corning Rd. Beecher, Illinois 60401 phone number 708-946-9546. Marital status: Married. Date of Birth: Ronald Stuart 10-2-51, Barbara Stuart 2-14-51. The drivers license numbers and social security number will not be given at this time. This case is a matter of public view, and neither Ronald or I want to divulge our Drivers Lic. Number or SS# for fear of "Identity theft".

2. Witnesses:

- a.) Wayne Genis 125 E. Corning Rd. Beecher, Illinois 708-946-0950 dates of witness: Aug, Sept, Oct. of 2001 and July, August, Sept. of 2002.
- b.) Karen Cancialosi 231 E. Corning Rd. Beecher, Illinois.
Dates of witness Aug, Sept, Oct of 2001 and July, August, Sept 2002. Also was An eye witness of the 8-8-01 occurrence of the cannons being fired off at 6:00 a.m. that morning for the first time. Witness to noise of cannons August, Sept. Oct. of 2001 and again July, Aug, Sept. Oct. of 2002.
- c.) Kathy Collina 143 E. Corning Rd. Beecher Illinois. Moved from home this August Witness to cannons Aug, Sept, Oct. of 2001, and July, August, September 2002 Also witness to Daughter Danielle 5 years old being extremely distraught of noise of cannons during these times. Kathy Collina and her family moved August of 2002 new address is: 12755 Ponderson Palos Hts, Ill. 60463
- d.) Carol Henrichs 510 Woodward Beecher, Illinois 60401 708-946-2013 Witnessed Sounds of cannons Aug, Sept, and Oct 2001, and again July, August, Sept, 2002. She lives two miles away and could hear the cannons at times.
- e.) J.R. Grossman 357 E. Corning Rd. Beecher, Illinois 60401. Witnessed cannon Noise Aug, Sept, Oct 2001 and July, Aug, Sept, Oct 2002.
- f.) Donald Stuart 4924 W. 149th St. Oak Forest, Illinois 60452. Brother of Ronald Stuart. Has come out to our resident, can testify to several times hearing cannons Both in 2001 and 2002 summer months.
- g.) David Pillotto 5911 Stuart Lane Oak Forest, Ill. 60452 708-687-0664. Witnessed Cannon noise on 7-23-02 and 7-25-02.
- h.) James O'Neil 9701 S. Charles St. Chicago, Illinois 60431. Witnessed cannon Noise on 7-23-02 and on 7-25-02.
- i.) Jerry and Debbie Seracini (new next door neighbors) 143 Corning Rd. Beecher, Witnessed cannon noise during Aug, Sept. and Oct. of 2002.

j.) Michael Stuart, son of Ronald and Barbara Stuart 213 E. Corning Rd. Beecher Illinois. Michael is the son with a SNHL, (Sensori neural Hearing Loss) who experiences pain with cannon noise.

k.) Police officers Sgt. Nudera, Evidence Tech Young ,from the Will County Sheriff Office. Incident report no. 2001-013853 Phone number 815-727-Also present were members of Land Use Department of Will County responding to complaints of cannons on August 27, 2001. Here at my resident recording cannon sounds between 4 and 5 p.m. on a weekday **Exhibit A** (copy attached)

l.) Officer Spiegel, Will County Sheriff Dept. 708-672-5700 took complaint of threat made by Franklin Fisher to Barbara Stuart. Cannons were operating that day. Occurrence 7-26-02 See attached **Exhibit B**. **Note: On the same day Franklin Fisher also approached J.R. Grossman at his home at 357 Corning Rd. making a threatening remark. This has been document on 7-26-02 with the W.C. Sheriff's office.**

Note: If phone numbers were omitted it is because people did not want to make their phones numbers available. We need to respect their wishes out of courtesy. Also be aware petition of neighbors wanting Franklin Fisher to stop using the cannons will be used as **Exhibit C**. (copy attached)

3. We have friends who frequently come out to visit. Terry Stephens from Midlothian, 708-388-0654, and Donald Stuart 4924 W. 149th St. Oak Forest, Illinois 60452. These two particular individuals have been at our home before the cannons were used, and during the time the cannons were used. They are well aware of the difference when the cannons are operating and when they are off.

4. A small claims case was filed with the Will County Court for small claims in November of 2001. Do not have file number. The reason for taking Mr. Fisher to court was to be reimbursed for damages which occurred to my pet of 10 years old on the day he first began using the cannon devices. In December of 2001 around the 9th or 10th, the Judge Mathis Court show called me to inform me they looked at the small claims cases at the Will County small claims court. I was told the Judge Mathis show would like us to go on air and have a hearing based on our claims. I said I was reluctant, but said if Frank agreed then we would consider doing it. Frank decided to appear, and we went along with it. I do not have the case number. It was a small claims case for the death of our golden retriever who was injured on 8-8-01 when the cannons first began to operate. The request for damages was approximately thirteen hundred dollars to cover the cost of veterinarian bills, burial expenses, and the initial value of my pet. . The deciding organization was the Judge Mathis Show. The decision made by Judge Mathis was in favor of Franklin Fisher.

5. Yes, I complained to the Will County Land Use Department. Ron Grotowski, Will County Land Use, summer of 2001 and 2002. Mr. Grotowski arranged for the Will County Sheriff's dept to come to our home with an evidence Tech by the name of Young. Young took measurements which were recorded and I have possession of a copy of the taping of the cannon sounds and the decibels on the meter. This tape will be used as **Exhibit D**. After the investigation it was suggested I file a noise complaint for citizen enforcement. However this year after another person complained of the cannon noise, the case was being looked at again, this time with more knowledge of State rules and regulations. Jim Heffron, who works with Mr. Grotowski with the Will County Land Use Dept also became very involved and initiated some investigating. He has consulted with the State's Attorney office of Will County along with the Will County Board.

At this time, assistant State's Attorney Bobby Petrungerro is reviewing the issues of noise and in this case is going to make a motion to the IPCB to be a friend of the court on behalf of Will County. Note: Will forward to tape of readings to Mr. Harding as soon as available. Bobby Petrungerro was to contact Mr. Halloran, hearing officer regarding this motion on Friday 10-04-02.

6. Answer: No

7. Do not understand this question. Do not understand "release". Please define and explain "release".

8. We feel we have lost the use of the enjoyment of our property. My son who is 13 is required to stay indoors when the cannons are blasting. Michael has a Sensori neural hearing loss. A letter from Dr. Battista has been written on Michaels behalf explaining the diagnosis and the implications of loud sounds related to the cannons to the Will County States Attorney office **Exhibit E**, copy attached. Impulse noises are harmful to his hearing nerve. Michael has lost the outside social activities for a boy his age.

Ronald Stuart has congenital hearing problems. Ron also is being treated now for high blood pressure as of Sept. 2001. Ron is quite agitated and bothered by the cannon noise. This not only affects his Blood pressure, but he too is at risk for hearing damage.

Myself, Barbara Stuart have problems with anxiety because of the cannons. Cannot open windows due to noise, and cannot sleep during daytime if cannons are blasting. I have a long history of migraine headaches sometimes brought on by stress and tension. I find it difficult to work in my garden, or use our swimming pool when the cannons are operating. They are very distracting, and a nuisance. I myself Barbara Stuart try and avoid being outdoors when they are operating during the summer months. My ears are very sensitive to noise. When a person suffers from Migraine headaches either their sense of light or noise is heightened. In my case it is noise that is amplified.

Having had livestock of Geese, ducks, and chickens for three years, we have found that many of the hens are poor with laying eggs. Some ducks have taken off due to the gunshot like sounds.

We have three golden retrievers. Two of them require sedation when the cannons are very loud due to their gun shyness. **Letter of treatment from Veterinarian attached, Exhibit F . See attached copy.** This is stressful for Ron and I because we do not like to give sedation to perfectly healthy animals.

We have lost the beauty of the wildlife of deer which was around before the cannons. We lose many of the migratory birds during the summer months due to the cannons. Some of these birds which inhabit this area are protected by the government and are on the endangered species list for the state of Illinois. I consider this a loss of enjoyment to my property in many ways.

In addition to this when we have company over people remark "How do you guys put up with this" referring to the cannons. So to us it's a little embarrassing because our guests are also annoyed by the sounds.

I feel like a prisoner in my own home during the summer months. I cannot enjoy being outdoors when the cannons are operating. Our lifestyles change completely during the summer months due to these obnoxious devices.

We constantly worry about Michael and his hearing loss. I am depressed because of moving into a beautiful quiet rural area, which Ronald and I worked very hard to achieve. Now it is tarnished by **one** farmer who insists on using a controversial cannon device for crow control.

I, Barbara Stuart constantly have to take medication (Imitrex) to stop the migraine headaches I have so often from these noises. I have lost time from work due to headaches caused by stress of these cannons. I loose about 2, (sometimes more) hours of sleep every morning he (Mr. Fisher) starts the cannons at which is around 5:30a.m

9. Physician information:

a. Michael Stuart, attending physician Dr. Denise Cook 5901 W. 159th St. Tinley Park Illinois 708-429-3300. Michael Stuart, ENT Dr. Neil Lofcy Rush Presbyterian Hospital, Tinley Park office Professional bldg. 5901 W. 159th St. Tinley Park, Illinois 60477 . Phone 444-1530, and also Dr. Battista 950 York Road, Hindsdale, Illinois 60521 phone: 630-789-3110.

b. Barbara Stuart attending and cardiologist Dr. Lynn Brown 5901 W. 159th St. Tinley Park Illinois 429-3300. Dr. Marquis 19635 South Lagrange Mokena, Ill 708-479-0700 therapist for anxiety related problems.

Ronald Stuart: Cardiologist Dr. Kakavas, St. Francis Hospital Heart Care Center, Blue Island, Ill. 708-824-1124. Ronald is treated for high blood pressure since Sept 2001, next appointment is 10-16-02

c. Tests performed on the above.

A CT scan of the head was done for Michael to rule out pathology (tumor) when first diagnosed with S.N.H.L.

Also he has had many audiograms. At the Will County Board of Health through the school. Audiograms at Ingalls Calumet Family care center. And at Dr. Battista's office. Most recent was done through the school on 9-25-02, and at Dr. Battista's on 9-27-02. Note: On 9-27-02 Dr. Battista informed us that hearing has decreased in the left ear. He is writing a letter to the States Attorney regarding this issue.

Ronald Stuart has a echocardiogram performed, and a stress test performed at St. Francis hospital heart center I believe was in Dec. of 2001.

d. Dates of services:

Barbara Stuart has seen Dr. Marquis on a monthly basis, last date of service was 8-24-02. Dr. Lynn Brown is seen every 6 months for Type two diabetes, Mitral Valve Prolapse, Migraine headaches. Last seen on 4-02

Michael Stuart:

Has been seeing Dr. Lofchy for past 2 years for hearing, and sinus problems. Dr. Lofchy then referred Michael to a specialist is hearing Dr. Battista. Michael has been seeing him since 7-21-00 and still sees him. Date of last visit was 9-27-02. Last audiogram on that date showed decrease of hearing in left ear.

Ronald Stuart sees Dr. Kakavas heart center in blue Island, Illinois for high blood pressure . Started seeing him for Blood pressure problems September 2001. Next appt. is 10-16-02. He is on meds for Hypertension, cholesterol, and heart attack prevention.

e. Amounts paid have been covered under our insurance. There is however a 20% co payment for medical bills, and a 50% co payment on therapy charges for Barbara Stuart.

f. Reports: One for Michael for a C.T. of the head. Was done in to rule out pathology. Will County board of health audiograms by school). There are 2 audiograms from Ingalls Calumet city Audiology department. And there are 3 audiograms and consultation reports regarding Michaels hearing loss from Dr. Battista dating up to 9-27-02. I would like to submit all audiogram tests and consultation notes from Dr. Battista as **Exhibit G**.

g. Barbara sees Dr. Robert Marquis on a monthly basis. He is treating her for anxiety problems which are related to the cannon noise. Letter from Dr. Marquis is **Exhibit H**

Michael Stuart sees Dr. Battista in Hinsdale due to problems and pain in his ears because of the cannon noise. Information already given in above questions regarding Michael's hearing situation.

Injuries to property

10. Death of Samantha golden retriever 10 yrs. Old. Cost approx \$1300. Though tried in the Judge Mathis show we are not claiming this loss. We would like to submit this as **Exhibit I** in order to show the IPCB that our animals do react to the noise of the cannons which causes **us a lot of stress**. Please discuss this issue with Mr. Halloran at our phonic appt. on October 24, 2002.

Sedation and consultation of two golden retriever dogs. (**See Exhibit F**) Cannot give an estimate of value of loss of seeing two perfectly healthy dogs being sedated for "gunshot" like sounds coming from a neighbors cannons.

Note: What is the value of one enjoying to be outdoors and enjoy gardening, migrating birds, swimming, and being with your children and friends? All of these normal habits are stripped away from us during the summer. It's priceless. How valuable is a child's hearing ability? You tell me. I paid over \$224,000 for my home maybe that is the total for property damage. We have lost our freedom. We feel like prisoners in our home during the summer.

11. Yes, Ronald Stuart started having problems with blood pressure problems. Started seeing a cardiologist in September of 2001. Is now on high blood pressure medication for the first time along with other heart attack preventative meds.

Michael was complaining of pain and ringing in his ears, from cannons, operated until the mid Oct. of 2001. All information was given to Dr. Battista at Michaels office visit on 12-28-01. Dr. was not surprised. Impulsive noise to hearing near can cause pain. Ear Illustration **Exhibit J this will show where the nerve damage is.**

12. Yes, due to loss of sleep early hours in a.m. from cannons. Lost 2 to 3 hours of sleep each morning they operated. Cannons began at 5:30 a.m. lasted until 8:45P.M. Had headaches when working outdoors, and became stressed by noise going on all day long. Unable to sleep at night caused by migraines which sometimes lasted for days.

- a. South Suburban Hospital 17800 So. Kedzie Ave. Hazel crest, Illinois. Wages were 13.63 hr. and Sandra Foster was my supervisor.
- b. Cannot remember exact dates I was off.
- c. I probably lost about 7 to 10 days of work last summer. About 3 day of work summer of 2002.
- d. Not employed at this time.

13. Had to consult with my veterinarian regarding the problems of two of my dogs being frightened due to the cannon sounds. Sedation was recommended and prescribed to be

administered as needed. This was done late July this year 2002. Expense was paid for by us. Note: Dr. Truedeau at the Park Forest South Animal Clinic, Park Forest, Ill. 708-672-6166. See letter regarding dogs and cannons. (submitted as Exhibit F) **She thinks cannons should be banned.**

14. Yes

- a. Barbara Stuart
- b. Dr. Marquis address stated above. Was counseling me for problems concerning the cannons. Anxiety, frustration, concerns about Michael and his hearing, unhappiness of having had my outdoor and indoor lifestyle changed.
- c. No.
- d. Only Dr. Marquis has seen me regarding the anxiety caused by Fishers cannons. He has seen me almost on a monthly basis for over a year.

15. Yes as clearly stated earlier filed a small claims case against Franklin Fisher for damages occurring to dog Samantha. Case tried on Judge Mathis show 12-12-01 instead of the Will County small claims court division. See explanation in question number 4.

16. Yes, by Gregory Zak. Sound decibels were taken on our property on August 2, 2002 for ambient noise levels. Mr. Zak is in the process of filing a report. Report will be made available and forwarded to Mr. Harding. Gregory Zak may be reached at 217-483-3507. His address is: 36 Birch Chatham, Illinois

17. Overly complex, please be more specific.

18. No

19. No

20. No

21. Moved into home at 213 E. Corning Rd. June 24, 1999. Persons living here are my four sons: Bryan Stuart age 25, David Stuart age 22, Kevin Stuart age 16, and Michael Stuart age 13.

The back 4 acres of our property are used for growing soybean this year. We have allowed a farmer to use this property. The east side of my home towards the middle of the property in an area of 100 ft. length by 30 feet wide (approximate) is a small little building 8x8 which is used to house the chickens. This area is fenced in for the poultry I own. There is also one small kennel run, which was there when we purchased the home. It is NOT used for dogs. Dogs are very susceptible to Coccidiaosis) when around chickens. Will County recorders number R1999076567 Date of recording 6-14-99

22. Yes, myself Barbara Stuart, and the Will County Land Use department along with the Will County Sheriff's Department, and Will County Land Use Dept.

a. measurements are variable but are in accordance with the rules and regulation of taking sound measurements from ones property. Always done 25 feet from my property line. In process of condensing all measurements taken and putting on one convenient tape to hear. Still taking measurements because cannons have still operated on and off during this month of October. Once tape is all put together will arrange to send to Mr. Harding. **This will be exhibit K**

b. Person taking measurements for 2002: Barbara Stuart 213 E. Corning Rd. Beecher, Illinois. 60401.

c. A Radio Shack Decibel Sound meter was used for taking measurements of the cannons. Catalogue number 33-2055A. This device allows you to measure sound on a fast or slow response setting. Or on A or B weighing. Meter calibrated by Greg Zak, July 2002

e. Gregory Zak, noise specialist is in the process of preparing the answers to these questions. When the report is concluded he will forward it to Mr. Harding.

23. Witnesses:

a. J.R. Grossman 357 Corning Rd. Beecher, Illinois 60401. Phone 708-946-9044. Mr. Grossman is a neighbor east of me. He will be testifying on the adverse conditions of being at his property both inside and outside of the buildings. Will testify on living conditions before and after Fisher using cannons. He may also testify to what neighbors complained to him during the summer of 2001, when we did not know Mr. Grossman.

b. Kathy Collina did live at 143 E. Corning Rd. West of my residence. She and her family moved out August of 2002. She will testify regarding what it was like living there before and after the cannons began. She will also testify regarding her five year old daughter who cried for weeks and would not go outdoors because she thought "a man was trying to shoot her". She will also testify to her reasons for moving. New address is 12755 Ponderson Palos Heights, Illinois 60463.

c. Wayne Genis, 125 E. Corning Rd.
Will testify how the use of the cannons from Fishers property bother him and his son of 13 yrs. Of age. He will testify as to how life was before and after the use of cannons. Mr. Genis is located closest to Mr. Fishers farm.

d. Ronald Stuart (complainant of case) will give testimony of living before And after the use of the cannons by Mr. Fisher. He will give testimony to facts regarding numerous phone calls of complaints to the Will County Sheriff's office. He will also testify to the many conversations he had with Franklin Fisher regarding the cannons. He will testify about the adverse affects the cannons have had on the emotional well being of our family, including losing a pet. And precautions we have to take to protect our other pets. And he will testify the information he has gathered from other produce crop farmers and the type of crow scaring devices they use. None of which are propane cannons.

e. Michael Stuart, son of Ronald and Barbara Stuart. Will testify regarding Living conditions he has had to endure with the use of the loud cannons for the past two summers. Michael will also give medical testimony concerning his hearing and pain in ears from cannons. He will give testimony as to how he feels hearing the noisy cannons.

f. Carol Henrichs 515 Woodward, Beecher, Illinois
Will give testimony regarding her location of residence and how she can hear the cannons when they are operating. She lives 2 miles from the Stuarts residence.

g. Barbara Stuart (complainant). Will testify to the stress the cannons have caused her living inside her home and outside. She will testify to the number of office visits to the hearing specialist Dr. Battista. She will give accounts of incidents regarding Michael and complaints he has had with ringing and pain in his ears. She will testify as to how upset she is about Mr. Fisher calling her a "troublemaker" in front of her friend and son. A report has clearly indicated this information through the Will County Sheriff's office. She will also testify how the cannons cause her headaches, stress, worry, and cause her to become tired due to a lack of sleep. Barbara will also testify how concerned she is that a church and school will be built across the street from Franklin Fisher. Also she is concerned and will testify and give clinical and documented information on damage of hearing loss. She will testify regarding the alternatives to using a propane cannons. The questionability of cannon use without additional aides. She will give documented testimony about crows, and how useless cannons can be when trying to scare them from a field. And will give Noise studies information from reputable sources. All documents used for testimony will include a date, and a bibliography of any specified study. All testimony will be pertinent to the case of quality of life, and health and safety.

23a. All witnesses listed above will give fact testimony. The subject on which they will testify is given along with their name and address. See question no. 23

23b. J. R. Grossman will testify the biological and ethical principals behind being a good neighbor as well as a good farmer. He has a college degree and has studied agriculture and biology. He is very concerned about the planet and our environment. He is quite a gentleman. He is also concerned about property values decreasing from noisy areas.

23c. Gregory Zak. Expert Witness. Is preparing a report of testimony and will submit the report to Mr. Harding. I am including a copy of the resume of Greg Zak to clearly show how well qualified he is to be an expert witness on our behalf. There are few people in Illinois who are as qualified as he when it comes to the knowledge of Noise.

24. none

25. none.

Submitted by Complainants

Barbara Stuart


Signature

10-9-02
date

Ronald Stuart


Signature

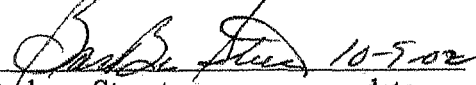
10/9/02
date

Barbara and Ronald Stuart
213 E. Corning Rd.
Beecher, Illinois 60401
708-946-9546

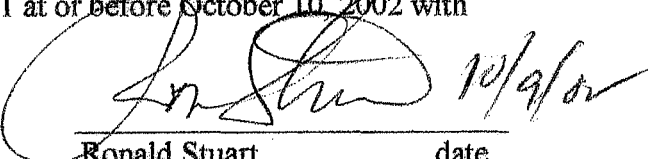
Copy to: IPCB
Bradley P. Halloran

PROOF OF SERVICE BY MAIL

We Barbara Stuart, and Ronald Stuart certify that I served the foregoing interrogatories responses by mailing a copy to each person to whom directed and depositing the same in the U.S. mail post office in Beecher, Illinois 60401 at or before October 10, 2002 with proper postage pre- paid.


Barbara Stuart

10-5-02
date


Ronald Stuart

10/9/02
date

EXHIBIT
e

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BARBARA STUART and RONALD)	
STUART,)	
Complainants,)	
)	
v.)	No. PCB 02-164
)	Citizen Enforcement
FRANKLIN FISHER,)	
)	
Respondent.)	

To: Barbara Stuart	and	Ronald Stuart
213 E. Corning Rd.		213 E. Corning Rd.
Beecher, IL 60401		Beecher, IL 60401

REQUEST FOR ADMISSION

Each complainant is hereby requested, in conformity with the provisions of 35 Ill. Adm. Code §101.202, §101.616 and §101.618, to admit or deny each of the following statements under oath on or before October 4, 2002:

1. Complainant, Barbara Stuart, filed a suit in the Circuit Court of Will County, Illinois alleging damage due to noise from respondent's propane cannons, then executed a general release in favor of respondent, Franklin Fisher, prior to her appearance on the "Judge Mathis" television program.

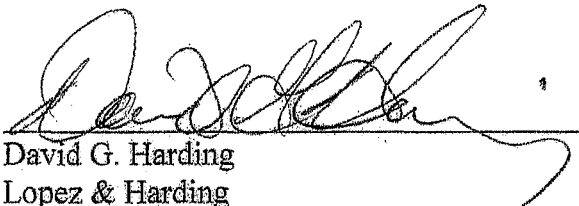
2. Complainant, Ronald Stuart, filed a suit in the Circuit Court of Will County, Illinois alleging damage due to noise from respondent's propane cannons, then executed a general release in favor of respondent, Franklin Fisher, prior to his appearance on the "Judge Mathis" television program.

3. The two pages attached hereto and marked "Exhibit A" are, together, a letter sent by complainant, Barbara Stuart, to respondent, Franklin Fisher, on August 15, 2001.

4. The two pages attached hereto and marked "Exhibit B" are, together, a letter sent by complainants, Barbara Stuart and Ronald Stuart, to respondent, Franklin Fisher, on November 14, 2001.

5. The page attached hereto and marked "Exhibit C" is a true and correct copy of an article written by complainant, Barbara Stuart, and published on August 15, 2002 in the Beecher Herald.

6. The page attached hereto and marked "Exhibit D" is a true and correct copy of an article written by complainant, Barbara Stuart, and published on April 4, 2002 in the Crete Record.



David G. Harding
Lopez & Harding
Attorneys for Respondent
Suite 2204, 134 N. LaSalle St.
Chicago, IL 60602-1121
(312)782-3039

PROOF OF SERVICE BY MAIL

I, David G. Harding, the attorney, certify that I served the foregoing request for admission by mailing a copy to each person to whom directed and depositing the same in the U.S. mail at 134 North LaSalle Street, Chicago, Illinois at or before 4:00 p.m. on September 5, 2002, with proper postage pre-paid.

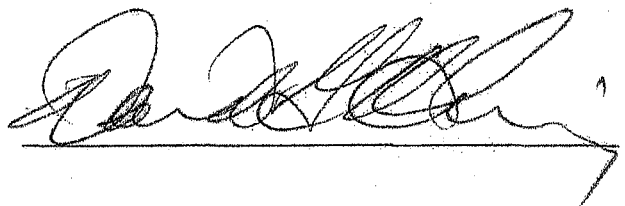


EXHIBIT
D

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BARBARA STUART and)	
RONALD STUART)	
Complainants,)	No. PCB 02-164
)	
v.)	
)	
FRANKLIN FISHER)	
Respondent,)	
)	

To David G. Harding
 Lopez and Harding
 Attorneys for Respondent
 Suite 2204, 134 N. La Salle St.
 Chicago, Il. 60602-1121
 312-782-3039

Copy to: IPCB
 Hearing officer:
 Bradley Halloran

CERTIFICATE OF SERVICE

We Barbara Stuart and Ronald Stuart, certify that on October 9, 2002, we served the attached responses for request of admission to the attorney David Harding representing the respondent Franklin Fisher. Responses were sent by U.S. mail at the Beecher Post Office in Beecher, Illinois, with proper postage and pre-paid.

Barbara Stuart 10-5-02 *[Signature]* *10/9/02*

REQUEST FOR ADMISSION RESPONSES

All information provided on recycled paper

The following responses are on Page 2 of these documents.

Sent by:

Complainants
 Ronald and Barbara Stuart
 213 E. Corning Rd.
 Beecher, Illinois 60401
 708-946-9546

Admission Answers:

1. Barbara Stuart: signed an arbitration agreement, appearance agreement, and a photo, video, and audio release in regards to the claim involving "The inadvertent death of my dog Samantha on 8-8-01"

I, Barbara Stuart, feel this question is irrelevant to our Illinois Pollution Control Board case number PCB-02-164. For the following reasons:

- a. The claim filed with the circuit court of Will County in Illinois involved Franklin Fishers neglect and irresponsibility while using a bird propane cannon device on 8-8-01 inadvertently caused the death of our dog (golden retriever) Samantha.
- b. All pages signed in regards to a "general release" to the Judge Mathis, involved this claim.

Please consult with Mr. Halloran of the IPCB regarding relevancy of this issue. Personally we feel it is inappropriate to this case. Note: Franklin Fisher also signed the same documents mentioned.

2. Ronald Stuart, I concur with my wife with the answers given in number 1.

3. Yes I Barbara Stuart did sign and send the letter labeled Exhibit A. This letter was to inform Mr. Fisher of us making an attempt to breed our dog Maggie, who is gunshy. We also wanted to inform Mr. Fisher of other methods of crow control which were available instead of the cannons.

4. Yes, I Barbara Stuart sent the letter, as required by the small claims division at the Will County circuit court. A reasonable attempt must be made to resolve differences before a trial can place. **I was advised by the Will County Court to make this attempt of request.**

5. Yes, I Barbara Stuart did write the letter to the Beecher Herald. Exhibit C. Not once did I mention Franklin Fishers name in the letter to the editor.

6. Exhibit D. Publishing of article "No longer Land of Lincoln, but Land of OZ". Yes I Barbara Stuart did indeed write that "Letter to the editor".

We feel this Exhibit is irrelevant to this case due to the following reasons.

- a. I am a strong advocate of saving this rural area of peace and quiet.
- b. **It has no bearing on the IPCB case.**
- c. I am entitled to the First Amendment "Freedom of Speech"

This should be deleted as exhibit D. We are requesting that this be removed as Exhibit D. Please consult with Mr. Halloran regarding the relevancy of this letter.

PROOF OF SERVICE BY MAIL

We, Barbara and Ronald Stuart complainants, certify that we served the foregoing request of responses of admission to whom directed and depositing the same in the U.S. mail at the Beecher Post Office in Beecher, Illinois on October 9, 2002 at or before 4:30 p.m. With proper postage pre-paid.

Barbara Stuart

 Barbara Stuart 10-9-02

Ronald Stuart

 Ronald Stuart 10/9/02

Pollution Control Board Case No. PCB 02-164

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BARBARA STUART and RONALD)	
STUART,)	
Complainants,)	
)	
v.)	No. PCB 02-164
)	Citizen Enforcement
FRANKLIN FISHER,)	
)	
Respondent.)	

To: Barbara Stuart	and	Ronald Stuart
213 E. Corning Rd.		213 E. Corning Rd.
Beecher, IL 60401		Beecher, IL 60401

REQUEST FOR ADMISSION

Each complainant is hereby requested, in conformity with the provisions of 35 Ill.Adm.Code §101.202, §101.616 and §101.618, to admit or deny each of the following statements under oath on or before April 10, 2003 pursuant to Hearing Officer Order entered March 5, 2003:

1. Complainant, Barbara Stuart, was the only person to contact Mark Schneidewiak of the Will County Agriculture Department regarding Franklin Fisher prior to Franklin Fisher's receipt of an anonymous letter, a copy of which is attached hereto as Exhibit A.
2. Complainant, Barbara Stuart, authored and or instigated the authorship of an anonymous letter, a copy of which is attached hereto as Exhibit A.
3. Complainant, Barbara Stuart, sent or instigated the sending of an anonymous letter to Franklin Fisher, a copy of which is attached hereto as Exhibit A.
4. The letter to the editor, a copy of which is attached hereto as Exhibit B, was authored by Complainant, Barbara Stuart, on or after September 5, 2002.
5. The letter to the editor, a copy of which is attached hereto as Exhibit C, was authored by Complainant, Barbara Stuart, on or after September 5, 2002.

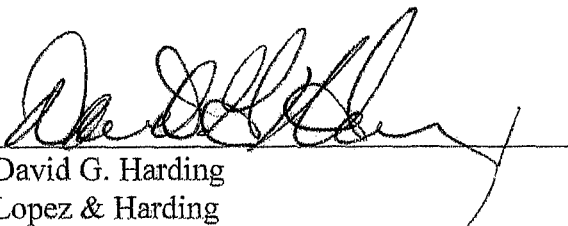
6. The letter to the editor, a copy of which is attached hereto as Exhibit D, was authored by Complainant, Barbara Stuart, on or after September 5, 2002.

7. The letter to the editor, a copy of which is attached hereto as Exhibit E, was authored by Complainant, Barbara Stuart, on or after September 5, 2002.

8. On July 21, 2002, Complainant, Barbara Stuart, distributed copies of a two page letter, a copy of which is attached hereto as Exhibit F, to each person occupying property, either as residence or business, abutting the land which is the home of Franklin Fisher and to various other persons in the immediate vicinity.

9. On various dates since August 8, 2001 and continuing through the present, Complainant, Barbara Stuart, has solicited various persons to take legal action against Franklin Fisher for various causes.

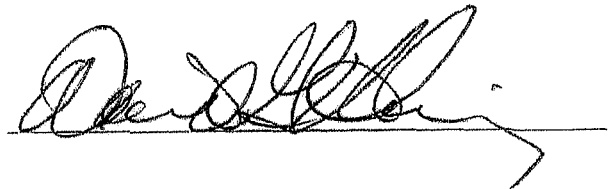
10. Prior to appearing on the "Judge Mathis" television program, Complainants, Ronald Stuart and Barbara Stuart, signed a document in substance identical to that attached hereto as Exhibit G.



David G. Harding
Lopez & Harding
Attorneys for Respondent
Suite 1107, 100 N. LaSalle St.
Chicago, IL 60602-3803
(312) 782-3039

PROOF OF SERVICE BY MAIL

I, David G. Harding, the attorney, certify that I served the foregoing request for admission by mailing a copy to each person to whom directed and depositing the same in the U.S. mail at 100 North LaSalle Street, Chicago, Illinois at or before 4:00 p.m. on March 20, 2003, with proper postage pre-paid.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Barbara Stuart and)	
Ronald Stuart,)	
)	
Complainants)	
)	
v.)	No. PCB 02-164
)	Citizen Enforcement
Franklin Fisher and)	
Phylliss Fisher,)	
Respondents)	

To: David G. Harding
Lopez & Harding
Attorney for Respondents
100 N. LaSalle St. Suite 1107
Chicago, Illinois 60602-3803

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Bd
100 James R. Thompson Ctr.
Suite 11-500
Chicago, Illinois 60601

Dorothy Gunn
Clerk of IPCB
Suite 11-500
100 James R.
Thompson Ctr.
Chicago Il. 60601

RESPONSE FOR REQUEST FOR ADMISSION

In compliance with provision of 35 Ill. Adm. Code 101.202, 101.616 and 101.618 the complainants, Ronald Stuart and Barbara Stuart are responding with the respondents request for admission on or before April 30, 2003.

1. Complainant, Barbara Stuart, was the only person to contact Mark Schneidewiak of the Will County Agriculture Department regarding Franklin Fisher prior to Franklin Fisher's receipt of an anonymous letter, a copy of which is attached here to as Exhibit A.

Objection: Even though I did contact Mark Schneidewiak of the Will County Agriculture Department, I have no way of knowing whether this contact was made before or after Franklin Fishers received his alleged "anonymous letter" labeled Exhibit A. I also am not aware if Mark Schneidewiak was only contacted by me Barbara Stuart. **Please note: Mr. Harding has two exhibit A's. The first one labeled exhibit A (a letter from Barbara Stuart to Franklin Fisher) written on 8-15-01. This exhibit A was presented in the Request for Admission dated back in 2002.**

2. Complainant, Barbara Stuart, authored and or instigated the authorship of an anonymous letter , a copy of which is attached hereto as Exhibit A.

Objection: No I did not author or instigate the authorship of this alleged letter labeled exhibit A. This is clearly an assumption of the respondent. Note: **If I were to write a letter of "thanks" to Franklin Fisher regarding the propane cannon nuisance it would only be in the case where he never used them.**

3. Complainant Barbara Stuart, sent or instigated the sending of an anonymous letter to Franklin Fisher, a copy of which is attached hereto as Exhibit A.

Objection: this is a redundant request for admission with the exception of "sending" the alleged anonymous letter to Franklin Fisher. I did not instigate the authorship, author, or send this letter to Franklin Fisher. Again this is clearly an assumption made by the respondent.

4. The letter to the editor, a copy of which is attached hereto as Exhibit B, was authored by Complainant, Barbara Stuart, on or After September 5, 2002.

Yes I did write this "letter to the editor". However, this letter is irrelevant to the issue which is presented to the IPCB that of which is a possible violation of Title VI (415 ILCS 5/23- 5/24. **Again Mr. Harding has used Exhibit B in a duplicative manner regarding this case. Previously Exhibit B was a letter written by complainant Barbara Stuart on Nov. 14, 2001 to Franklin Fisher. Therefore I am objecting to this letter as an exhibit in this case because this "letter to the editor" is my personal opinion which I am entitled and has nothing to do with the above case.**

5. The letter to the editor, a copy of which is attached hereto as Exhibit C, was authored by Complainant, Barbara Stuart, on or after September 5, 2002.

Yes, I did write this letter, which again is irrelevant to the pending case of noise nuisance with the IPCB . **The prior Exhibit C was used on a "letter to the editor" written in the Beecher Herald on 8-15-01 written by myself, Barbara Stuart. Once again this is a duplicate use of "Exhibit C".** The original Letter C exhibit was a letter to the editor written on August 15, 2001. Which never mentioned Mr. Franklin Fishers name in it.

6. The letter to the editor, a copy of which is attached hereto as Exhibit D, was authored by Complainant, Barbara Stuart, on or after September 5, 2002.

Yes, I did write this letter, which is irrelevant to the pending case of noise nuisance with the IPCB. **Also Exhibit D was once again used twice. Originally Exhibit D was labeled on another "letter to the editor". This was done by counsel earlier during his first attempt at "Request for Admission". Date of letter is unknown. Please clarify for accurate records for the IPCB.**

7. The letter to the editor, a copy of which is attached hereto as Exhibit E, was authored by Complainant, Barbara Stuart, on or after September 5, 2002

Yes, I did write this letter to the editor, however it is irrelevant to the case at hand with the IPCB regarding the nuisance of noise. **With the possible violation of Title VI (415 ILCS 5-23, 5-24. Therefore I am objecting to this request for admittance Section 101.618 part H. The above letter to the editor had no relevancy to the issue at hand in this case.**

8. On July 21, 2002, Complainant, Barbara , distributed copies of a two page letter, a copy of which is attached hereto as Exhibit F, to each person occupying property, either as residence or business, abutting the land which is the home of Franklin Fisher and to various other persons in the immediate vicinity.

According to the "First Amendment in the Constitution of the U.S.", I have the right to freedom of speech. Yes, I did write this letter and distributed it to certain individuals who were directly affected by the noise of the cannons. Persons I knew who were upset about the noise. This act was done to inform people of their rights and to give them useful information regarding this annoying situation. In 2001 Fisher was using the cannons, most residents did not know where the noise was coming from. My intentions were for the benefit of my neighbors. I consider myself a "good" neighbor. Yes I did write this letter.

9. On various dates since August 8, 2001 and continuing through the present, Complainant, Barbara Stuart has solicited various persons to take legal action against Franklin Fisher for various causes.

Objection: What does counsel mean by "various causes"? My only reason for contacting any public official was solely for an expression of my concerns and the repeated mental abuse, and physical abuse stemming from the use of the cannons by Franklin Fisher. It is within my legal right to contact any governmental agency, and or person/s who are capable of helping with this issue of noise abuse. What matters is I state the truth about the complaint at hand. This is a very vague question.

10. Prior to appearing on the "Judge Mathis" television program, Complainants, Ronald Stuart and Barbara Stuart, signed a document in substance identical to that attached hereto as Exhibit G.

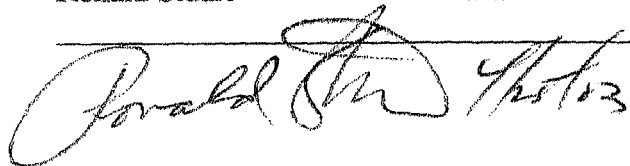
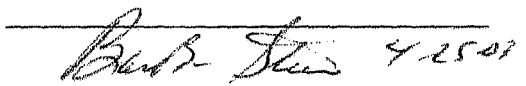
Objection: This "California document" and it's creation of Statutes in the State of California and it's references to other departments has no effect on the IPCB opinions and own rules. The IPCB operates on their own board rules which they have carefully implemented for the State of Illinois. In answer to the question of signing such a

document we could not give you an answer, simply because I do not have all the "Judge Mathis" documents in my possession. Again this agreement with the Judge Mathis show is irrelevant to this case. The case presented before Judge Mathis was solely for reimbursement on a small claim filed in the Will County Court Small Claims division. The claim being for the death of our golden retriever Samantha for injuries she sustained out of fear of the use of the respondents propane cannons on 8-8-01 the very first hours on the first day the respondent used such cannons. Again this was a small claims case which is now closed.

CERTIFICATE OF SERVICE

We, Ronald Stuart and Barbara Stuart the complainants certify that we have served the attached " Respondents request for admission", upon the persons listed on page one of the documents. These persons being Mr. Harding attorney for Franklin Fisher, Mr. Halloran our Hearing officer at the IPCB, and copies to Dorothy Gunn , Clerk of the Pollution Control Board.

Complainants: Case no. PCB 02-164

Ronald Stuart	Date	Barbara Stuart	Date
	4/25/02		4-25-02

Recycled paper was used in preparation of all enclosed documents.