

ILLINOIS POLLUTION CONTROL BOARD  
May 4, 1995

DENNIS MANARCHY, MARY BETH )  
MANARCHY, CHRIS MANDOLINE, )  
and BEVERLY KAGY-MANDOLINE, )  
 )  
Complainants, )  
 )  
v. ) PCB 95-73  
 ) (Enforcement - Noise)  
THE GOTHAM NIGHTCLUB and )  
JJJ & ASSOCIATE, INC. )  
 )  
Respondents. )

ORDER OF THE BOARD (by C.A. Manning):

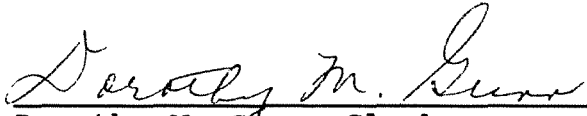
This matter is before the Board pursuant to a motion to dismiss and vacate filed by the respondents on April 21, 1995 to which the complainants filed a response on April 25, 1995. Gotham is requesting that we vacate our order of March 16, 1995 accepting this case for hearing, and finding that the complaint is neither duplicitous or frivolous.

The bases for Gotham's motions to dismiss are separate actions pending in two forums in the City of Chicago: One was brought by the City of Chicago and is pending before the City of Chicago Local Liquor Control Commission and the second, according to the respondents, is a citation pending before the 1st Municipal District, City of Chicago, Department of the Environment. Each relates to alleged noise emissions from the Gotham Nightclub located at 640 West Hubbard in Chicago.

There is, however, insufficient information available for the Board to determine whether these actions cause this citizens' enforcement action to be duplicitous and therefore subject to dismissal. Accordingly, Gotham is directed to provide the following information in order that the Board may determine whether the citizens' enforcement complaint is duplicitous: (1) a copy of the February 18, 1995 City of Chicago citation issued to Gotham which is pending before the 1st Municipal District and, (2) specific information regarding the status of the February 18, 1995 citation.

Gotham shall file this information with the Board and serve the complainants on or before Thursday, May 11, 1995. The complainants, of course, may file a response which shall be due on or before Tuesday, May 16, 1995.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4<sup>th</sup> day of May, 1995, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board