

State of Illinois
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
<http://www.ipcb.state.il.us/>

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:)	
)	
Joseph & Victoria Morrissey)	
)	
Complainant(s),)	
)	
v.)	PCB 09 - 10
)	(For Board use only)
Geoff Pahios and Alpine Automotive, Inc)	
)	
Respondent(s))	

Notice of Filing

To: Via Email
 Paul J. Oleksak
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PLEASE TAKE NOTICE that on January 27, 2010, the undersigned filed with the Clerk of the State of Illinois Pollution Control Board, via online filing, a response to Respondents Jan 26, 2010 motions.

Respectfully submitted,
Joseph Morrissey



By: _____
Joseph Morrissey

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:

Joseph & Victoria Morrissey

(Insert your name(s) in the space above)

Complainant(s),

v.

Geoff Pahios

Alpine Automotive, Inc

(Insert name(s) of alleged polluter(s))

Respondent(s)

PCB 20 09-10 -
(For Board use only)

Responses to Respondent's Responses to Motions in Limine

Now come the complainants, Joseph and Victoria Morrissey, to respond to Respondent's responses to motions in Limine and Respondent's responses to Complainants responses to witness list dated Jan 26, 2010.

1. In regard to neighbors being able to participate in the hearing. Under Sec 101.110 of 35 Ill. Adm. Code, the board encourages public participation. It should be no unfair surprise to Respondents that affected neighbors would want to have their voices heard on this matter. Complainants respect the Hearing Officer's ability to limit that participation in the event of a neighbor "flood".
2. In regard to Complainants calling Greg Zak as a witness. Complainants have consistently represented that Mr. Zak will be a central part of our complaint and will be called as a witness at the hearing. In a letter dated Aug 11, 2009, Complainants presented Mr. Zak's report and availability for deposition to respondents, clearly identifying our intention to call Mr. Zak as a witness. Respondent's attorney, Mr. Oleksak stated to Complainant's attorney that Respondent had not given approval for travel expense to Springfield, Il to take the deposition and asked for more time. In a letter dated, Sept 8th, 2009 Complainants made more dates available for deposition.

At no time did complainants or complainant's attorney state or imply that Mr. Zak would not be called as a witness.

3. In regard to Video tapes being inaccurately dated or lacking foundation; Nothing further.
4. In regard to video tapes being a violation to eavesdropping laws. Nothing further.
5. In regard to Respondent's witness list; Nothing further.

CERTIFICATION
(optional but encouraged)

I, JOSEPH MORRISSEY, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Joseph Morrissey
(Complainant's signature)

Subscribed to and sworn before me

this 27th day

of Jan, 2010.

Notary Public

My commission expires: _____