

ILLINOIS POLLUTION CONTROL BOARD

KYLE NASH,)
Complainant,)
v.)
LUIS JIMENEZ,)
Respondent.)

PCB 07-97

RECEIVED
CLERK'S OFFICE
APR 25 2011
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

- TO: (1) Kyle Nash, 1630 W. 33rd Place, Chicago, IL 60608
(2) Luis Jimenez, 1628 W. 33rd Place, Chicago, IL 60608
(3) Bradley P. Halloran, Hearing Officer, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601

On April 22, 2011, the undersigned caused to be filed with the Illinois Pollution Control Board, Chicago, Illinois, Respondent's Request to Admit pursuant to Supreme Court Rule 216, and Notice of Discovery Deposition, copies of which are attached hereto and herewith served upon you.

NAME James M. Knox
ADDRESS 15 Highland Place
TELEPHONE 312/587-1356

Attorney for Respondent
CITY Oxford, MS 38655

Copy Received _____ 19____, at _____ .m.,

PROOF OF SERVICE

Under penalties as provided by law pursuant to Sec. 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that a copy of this Notice of Filing with all attachments was mailed to each of the above persons of record at the addresses indicated, postage pre-paid, on April 22, 2011, before 5:00 p.m.

Witnessed and certified to this 22nd day of April, 2011.

LAW OFFICES OF JAMES M. KNOX

ILLINOIS POLLUTION CONTROL BOARD

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RULE 216 REQUEST TO ADMIT

TO: Kyle Nash, 1630 W. 33rd Place, Chicago, IL 60608

NOW COMES the Respondent, LUIS JIMENEZ, by and through his attorney, James M. Knox, and, pursuant to Illinois Supreme Court Rule 216, hereby makes this Request upon the Complainant, **KYLE NASH**, to respond to the following questions in writing, signed and sworn to as provided by rule, within 28 days hereof:

1. You, Kyle Nash, reside at 1630 W. 33rd Place, Chicago, IL 60608.
2. Luis Jimenez, resides at 1628 W. 33rd Place, Chicago, IL 60608
3. You requested in your amended pleadings that the Pollution Control Board (the "Board"), order that the respondent [Jimenez] stop polluting.
4. The "polluting" that you complained of in your pleadings refers to certain wind chimes formerly located on the respondent's residential two-flat property, adjacent to your residence, based on your own observations and recordings that you obtained in "the summer of 2007."
5. The respondent removed the front porch chime after the initial status hearing (Pollution Control Board hearing) on August 9, 2007..."
6. The second (backyard) wind chime was removed several weeks after the respondent was served in the Pollution Control Board Case.
7. The "polluting" complained of consisted of noise emitting from the wind chimes located on respondent's property.
8. The wind chimes on respondent's property were voluntarily removed from respondent's property.
9. Since the voluntary removal of the wind chimes from respondent's property in 2007,

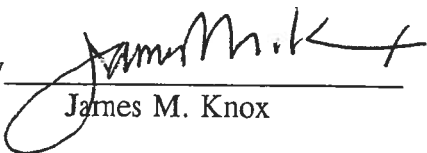
there has never been a recurrence of noise emitting wind chimes located on respondent's property.

10. Since the voluntary removal of the subject wind chimes, there has never been a single instance of wind chime noise emanating from respondent's property.

11. Attached hereto as exhibits A, B and C, are true and correct copies of photographs of respondents residence: A & B, showing the front entranceway, and B, the rear yard patio area.

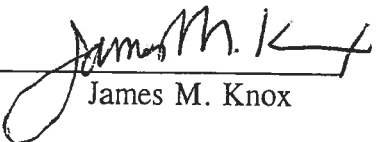
12. There has never been a single recurrence of noise pollution on the part of respondent attributable to wind chimes since the voluntary removal of wind chimes on respondent's property in 2007.

Law Offices of James M. Knox

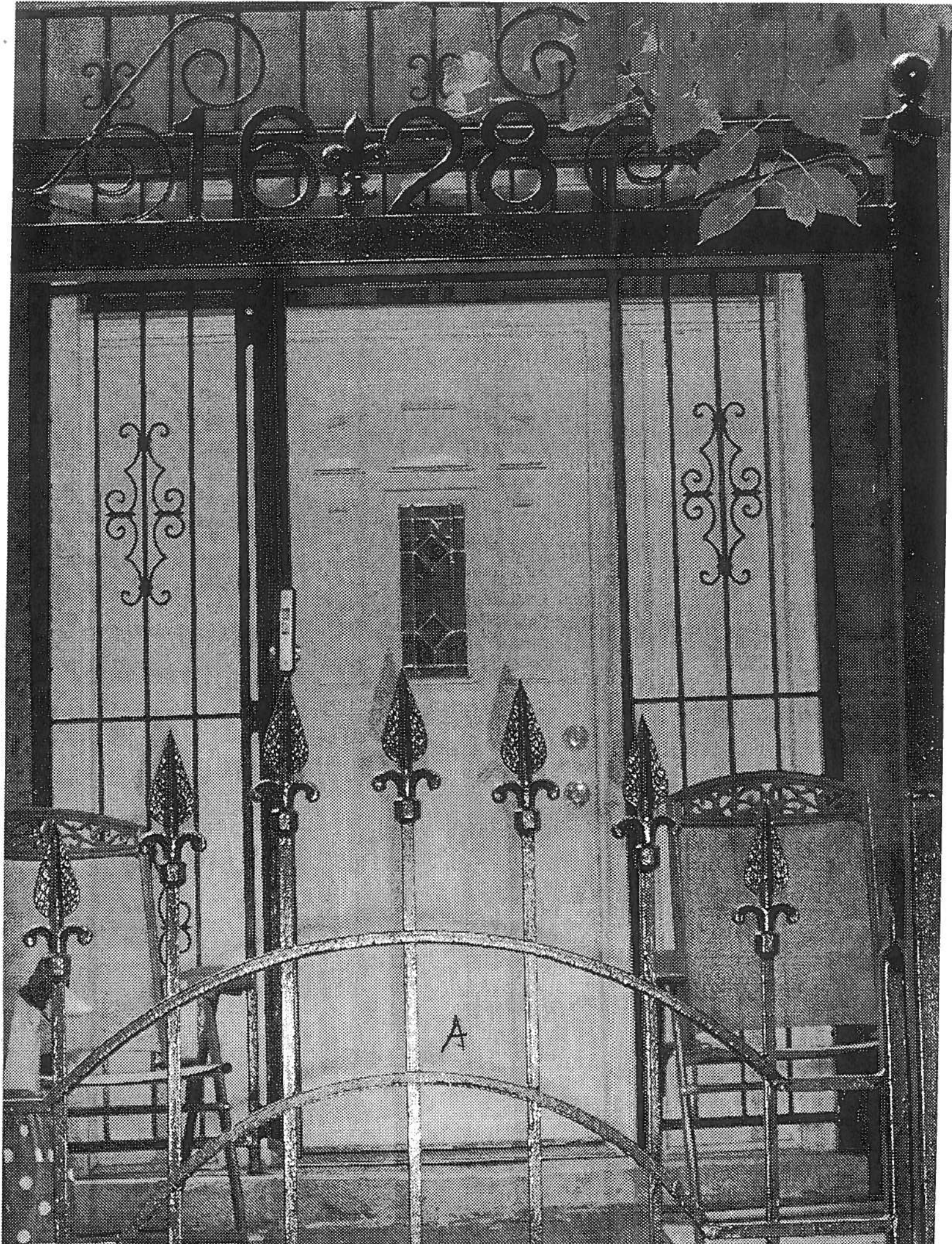
By 
James M. Knox

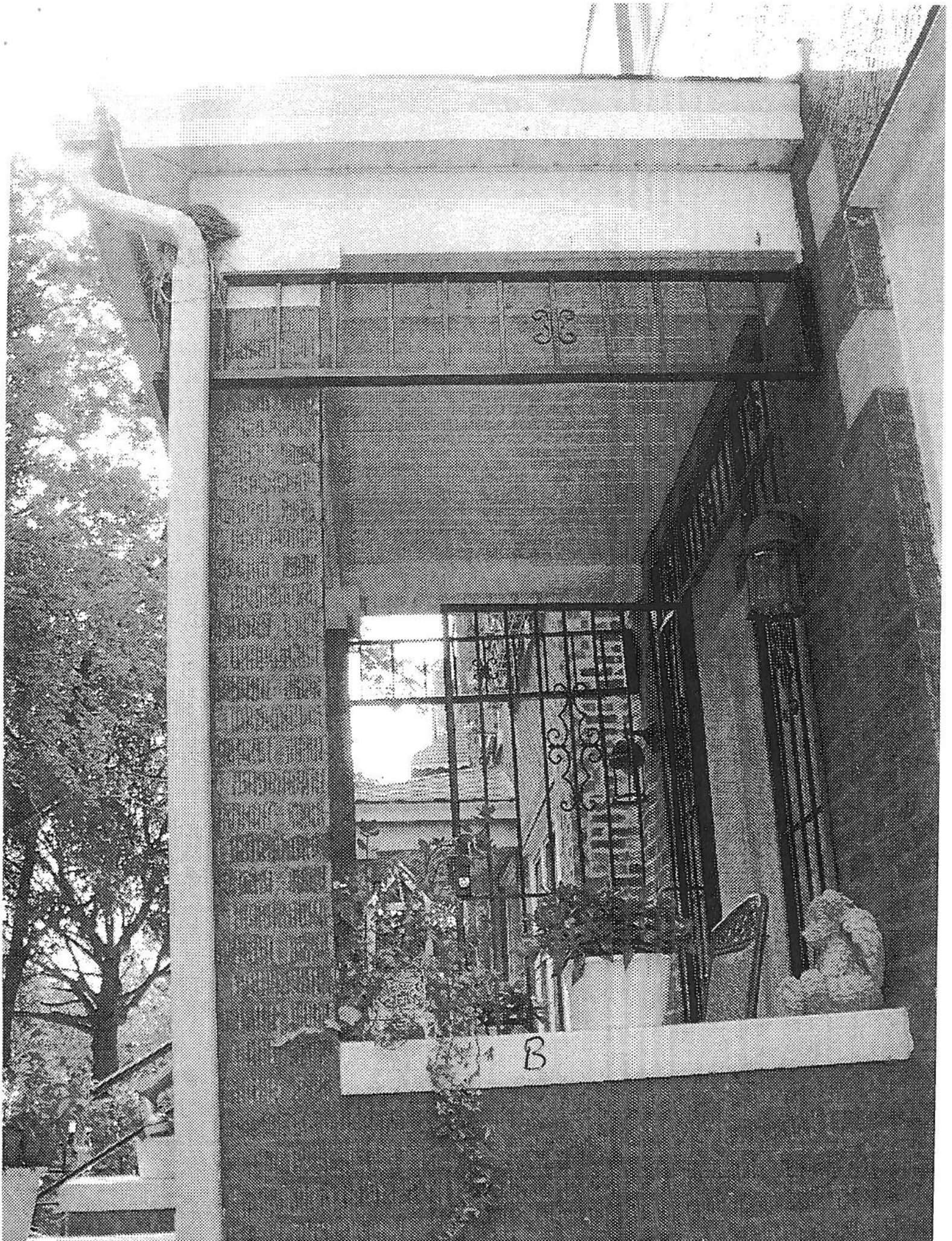
CERTIFICATE OF ATTORNEY

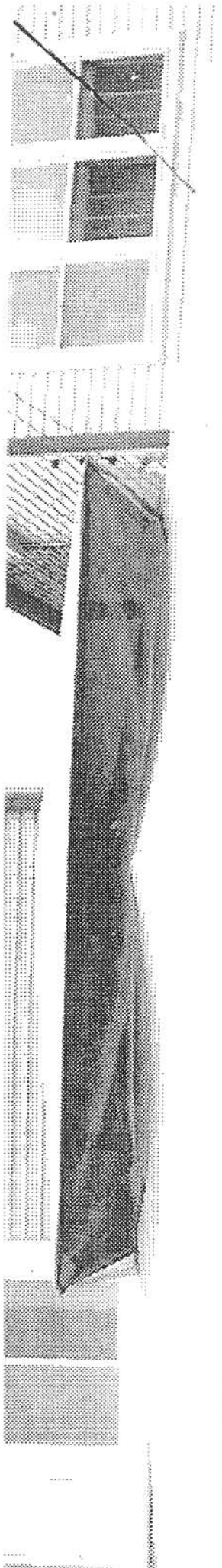
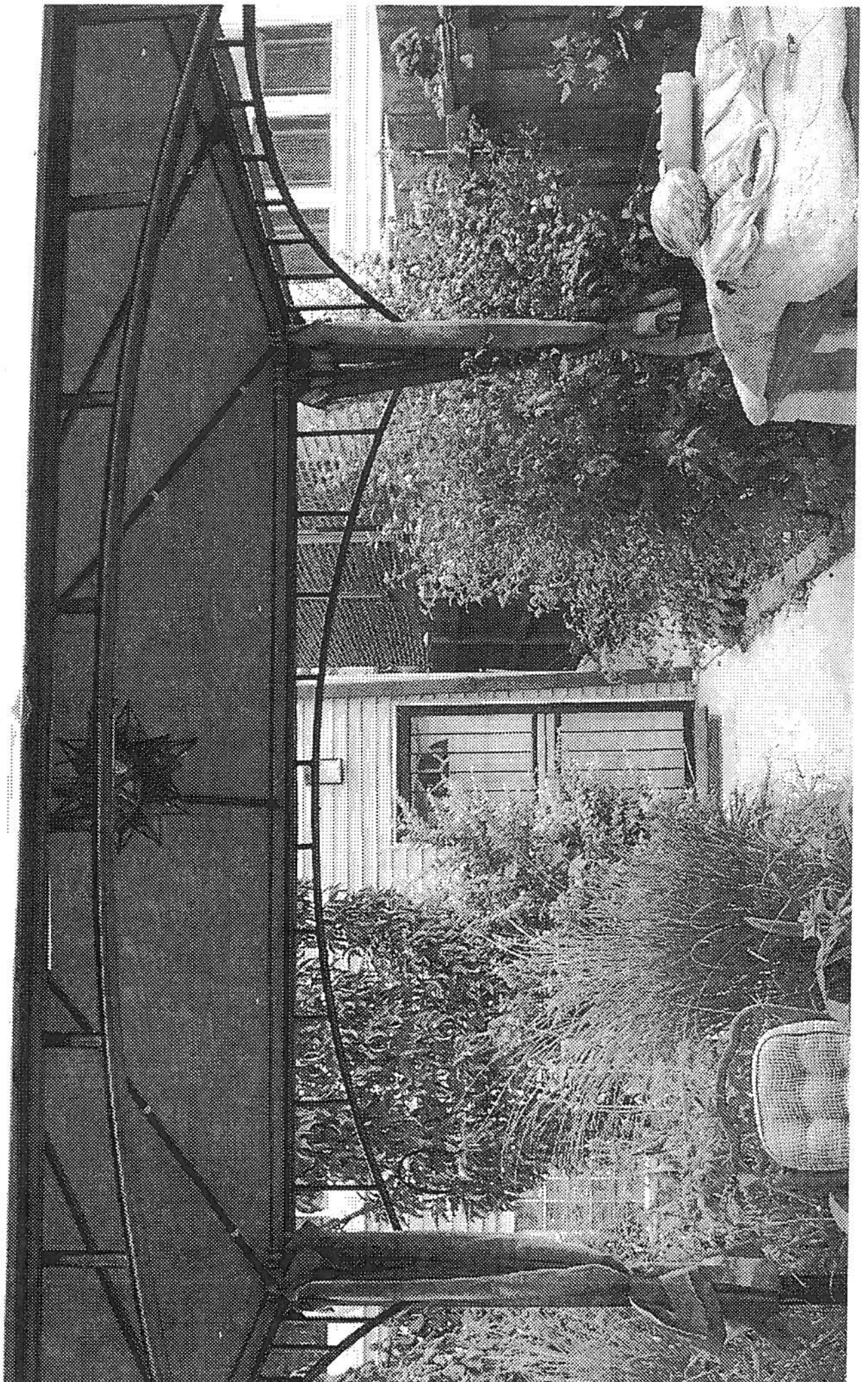
The undersigned hereby certifies that he has served a true and correct copy of the foregoing Request to Admit to the Complainant in the within cause, by depositing same at the United States Postal Service, located at Oxford, MS 38655, in a sealed envelope, properly addressed, first class postage prepaid, before the hour of 5:00 p.m on April 21, 2011.


James M. Knox

James M. Knox Attorney for Respondent
15 Highland Place
Oxford, MS 38655
312-587-1356
312-587-1369 FAX
KawOxford@aol.com







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NOTICE OF DISCOVERY DEPOSITION

TO: Kyle Nash, 1630 W. 33rd Place, Chicago, IL 60608

Please be advised that we will take the discovery deposition of the person named below before a notary public, on oral interrogatories for discovery in this cause:

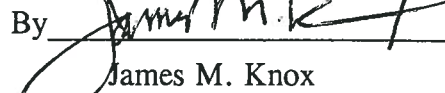
DEPONENT: Kyle Nash

TIME: 2:00 p.m.

PLACE: McCorkle Court Reporters, 200 N. LaSalle Street, Ste. 300, Chicago, IL 60602

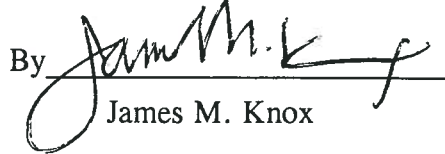
DATE: May 20, 2011

Law Offices of James M. Knox

By 
James M. Knox

CERTIFICATE OF ATTORNEY

The undersigned hereby certifies that he has served a true and correct copy of the foregoing Notice of Discovery Deposition in the within cause, by depositing same at the United States Postal Service, located at Oxford, MS 38655, in a sealed envelope, properly addressed, first class postage prepaid, before the hour of 5:00 p.m on April 22, 2011.

By 
James M. Knox

James M. Knox, Attorney for Respondent

15 Highland Place

Oxford, MS 38655

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KawOxford@aol.com