

IN THE ILLINOIS POLLUTION CONTROL BOARD

JAMES FISER,)	
)	
Complainant,)	
)	
v.)	PCB 2018-084
)	(Citizens Enforcement - Noise)
JAMES L. MEADOR and HENRY'S)	
DOUBLE K, LLC,)	
)	
Respondents.)	

**COMBINED ANSWER OF
RESPONDENTS JAMES L. MEADOR and HENRY'S DOUBLE K, LLC
TO NOISE COMPLAINT**

NOW COME Respondents, **James L. Meador and Henry's Double K, LLC** (hereinafter collectively referred to as "Respondents"), by and through their attorneys, Shockey & Cox, LLC (Steven A. Cox), and for their Combined Answer to the Noise Complaint filed by Complainant, **James Fiser** (hereinafter referred to as "Complainant"), in the above-captioned cause, hereby state and allege as follows:

1. Respondents ADMIT the allegations contained in paragraph 1 of Complainant's Complaint.
2. Respondents ADMIT the allegations contained in paragraph 2 of Complainant's Complaint.
3. Respondents ADMIT the allegations contained in paragraph 3 of Complainant's Complaint.
4. Respondents DENY the allegations contained in paragraph 4 of Complainant's Complaint, insofar as said allegations claim a violation of any regulatory provision. Respondents make no response to as to what Complainant may or may not assert.
5. Respondents ADMIT that the establishment operated by Respondent Henry's Double K, LLC hosts performances of live music on a periodic basis. Respondents affirmatively assert that said performances occur primarily inside the building, with only a single Village sponsored and licensed event held outdoors in 2018. Respondent DENIES the remainder of the allegations contained in paragraph 5 of Complainant's Complaint.
6. Respondents DENY the allegations contained in paragraph 6 of Complainant's Complaint.
7. Respondents ADMIT the allegations contained in paragraph 7 of Complainant's Complaint.
8. Respondents NEITHER ADMIT NOR DENY the allegations contained in paragraph 8 of Complainant's Complaint concerning the date of construction of the Fiser Residence for lack of direct information and knowledge. Respondents DENY the remainder of the allegations contained in paragraph 8 of Complainant's complaint and affirmatively represent that the Fiser Residence is zoned as "C-2 Downtown Commerce" according to the official zoning map of Mt. Carroll, Illinois.

9. Respondents DENY the allegations contained in paragraph 9 of Complainant's Complaint and affirmatively state that the building currently occupied as "Henry's Double K" was newly constructed in 1968 as a theatre for Shimer College.

10. Respondents ADMIT the allegations contained in paragraph 10 of Complainant's Complaint.

11. Respondents DENY the allegations contained in paragraph 11 of Complainant's Complaint and affirmatively state that Respondents purchased the property currently occupied as "Henry's Double K" on October 22, 2012.

12. Respondents ADMIT the allegations contained in paragraph 12 of Complainant's Complaint.

13. Respondents ADMIT the allegations contained in paragraph 13 of Complainant's Complaint.

14. Respondents NEITHER ADMIT NOR DENY the allegations contained in paragraph 14 of Complainant's Complaint for lack of direct information and knowledge.

15. Respondents DENY the allegations contained in paragraph 15 of Complainant's Complaint.

WHEREFORE, Respondents, James L. Meador and Henry's Double K, LLC, hereby respectfully request that the relief requested by Complainant, James Fiser, be denied, that this cause be dismissed with prejudice, and that this Board grant such other and further relief as may be deemed just.

Dated this 2nd day of November, 2018.

SHOCKEY & COX, LLC, Attorneys for
Respondents,

By: _____


Steven A. Cox

Prepared by: Steven A. Cox
SHOCKEY & COX, LLC
Attorneys for Respondents
208 West Stephenson Street
Freeport, IL 61032
Phone: (815) 235-2507
Facsimile: (815) 235-4597
E-mail: steve@shockeyandcox.com
ARDC Number: 6224722

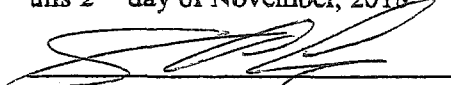
VERIFICATION (SECTION 1-109 AFFIDAVIT)

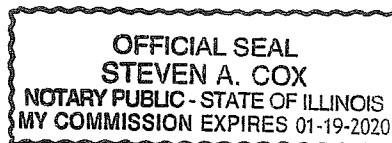
THE UNDERSIGNED, James L. Meador, after being duly sworn on oath and under penalties of perjury as provided for by Illinois Law, including, but not limited to the provisions of Section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-101 *et seq.*), hereby certifies that he is both a respondent herein personally and the sole Member of Henry's Double K, LLC, an Illinois Limited Liability Company, that he has read the above and foregoing Answer, that he has personal knowledge of the matters set forth of therein, and that the statements contained herein are true and correct, except where such matters are stated to be made on information and belief, in which case said statements are true to the best of his belief and information.

Dated: November 2 2018


James L. Meador

Subscribed and sworn to before me
this 2nd day of November, 2018


Notary Public



Prepared by: Steven A. Cox
SHOCKEY & COX, LLC
Attorneys for Respondents
208 West Stephenson Street
Freeport, IL 61032
Phone: (815) 235-2507
Facsimile: (815) 235-4597
E-mail: steve@shockeyandcox.com
ARDC Number: 6224722