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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
RENDERED SERVICES, INC., )  
an Illinois corporation, )  
Respondent. )

) No. 74 RTV-R  
) Sub 15

Hearing on fitness to hold a )  
Commercial Vehicle Relocator's )  
License pursuant to Section 401 )  
of the Illinois Commercial )  
Relocation of Trespassing )  
Vehicles Law, )  
625 ILCS 5/18a-401. )

Chicago, Illinois  
September 1, 2016

Met pursuant to notice at 10:00 a.m.

BEFORE:  
Ms. Latrice Kirkland-Montague, Administrative Law  
Judge.

1 APPEARANCES:

2 ILLINOIS COMMERCE COMMISSION, by  
3 MS. JENNIFER ANDERSON and  
4 MR. BENJAMIN BARR  
5 160 North LaSalle Street, Suite C-800  
6 Chicago, Illinois 60601  
7 312.814.1934

8 Appearing on behalf of the Staff of  
9 the Illinois Commerce Commission;

10 MR. DONALD S. ROTHSCHILD  
11 835 McClintock Drive  
12 Burr Ridge, Illinois 60527

13 Appearing on behalf of Rendered Services,  
14 Inc.

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18 SULLIVAN REPORTING COMPANY, by  
19 Christa Yan, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
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None.

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
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None.

1           JUDGE KIRKLAND-MONTAQUE: By the power vested  
2 in me by State of Illinois and the Illinois Commerce  
3 Commission, I now call Docket No. 74 RTV-R Sub 15 for  
4 hearing. This is in the matter of Rendered Services,  
5 Inc., and this is regarding the hearing on fitness to  
6 hold a commercial vehicle relocater's license.

7                   May I have appearances, please. Let's  
8 start with Staff.

9           MS. ANDERSON: Thank you, your Honor.

10                   My name is Jennifer Anderson. I  
11 appear on behalf of the Staff of the Illinois  
12 Commerce Commission. My address is 160 North LaSalle  
13 Street, Chicago, Illinois 60601. My phone number is  
14 312-814-1934.

15           MR. BARR: Good morning, your Honor. My name  
16 is Benjamin Barr. I also appear on behalf of the  
17 Staff of the Illinois Commerce Commission. My office  
18 is located at 160 North LaSalle Street, Suite 800,  
19 Chicago, Illinois 60601. And my phone number is  
20 312-814-2859.

21           JUDGE KIRKLAND-MONTAQUE: Mr. Rothschild?

22           MR. ROTHSCHILD: Good morning, your Honor.

1 Donald S. Rothschild. Business address is  
2 835 McClintock Drive, Burr Ridge, Illinois 60527.

3 I'm an attorney licensed by the  
4 Supreme Court, and I appear on behalf of the  
5 respondent, Rendered Services, Inc.

6 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

7 This is a status hearing. So what  
8 I'll do is open the floor, and I'll ask Staff to give  
9 me an update on where things stand with discovery.

10 MS. ANDERSON: Thank you, your Honor.

11 Since the last time we had a status  
12 hearing, Staff has made its production to Rendered  
13 Services, Inc. I was a few days late with that, so  
14 I'm not sure if counsel has had an opportunity to  
15 fully review it. It did involve some large  
16 documents.

17 In terms of Rendered Services'  
18 production to Staff since the last hearing, I did  
19 have the opportunity to review that. I feel that it  
20 has mostly been complied with. I think we narrowed  
21 it down to about four requests roughly where we want  
22 to try to resolve differences but have not been able

1 to have that discussion yet. Although, counsel has  
2 indicated to me that he's willing to have that  
3 discussion, so I hope we will be able to do that and  
4 try to resolve differences shortly.

5 JUDGE KIRKLAND-MONTAQUE: Okay.

6 Mr. Rothschild, did you receive the production?

7 MR. ROTHSCHILD: Yes. And, you know, from our  
8 perspective, excuse the fact that they were tardy,  
9 but I did not get them until last week and have not  
10 had a chance to go through them or even speak with  
11 Ms. Anderson about our production.

12 And as is historically true, we've  
13 been able to resolve discovery disputes in the main.  
14 And if we can't, we will bring them to you. I  
15 believe that we're going to have some issues with  
16 what I looked at in terms of the written response,  
17 not the documents because we still maintain that  
18 we're entitled to know the evidence that will be used  
19 against us and the witnesses that -- who will be  
20 testifying against Rendered, and I don't believe  
21 that's clear in the responses.

22 I want to work with Ms. Anderson to

1 see if we can come to an accord. I probably will  
2 file a notice for a bill of particulars regarding the  
3 fitness issue and make progress in terms of working  
4 through discovery issues.

5 I may be requesting leave to take  
6 several depositions of certain individuals that I  
7 believe will be key to our defense. With that in  
8 mind, I would agree with the characterization that  
9 it's moving along.

10 JUDGE KIRKLAND-MONTAQUE: Ms. Anderson, this  
11 case is -- isn't it the renewal of the license? Or  
12 is this an -- if I'm recalling correctly, the  
13 Commission's order was -- was it based on the renewal  
14 application, or is it a separate matter?

15 MS. ANDERSON: It is a fitness hearing tied to  
16 a renewal application.

17 JUDGE KIRKLAND-MONTAQUE: So ordinarily in a  
18 renewal application, the burden is on the applicant,  
19 just as it would be for a new application, correct?

20 MS. ANDERSON: Yes, your Honor.

21 JUDGE KIRKLAND-MONTAQUE: Okay. All right.

22 MR. ROTHSCHILD: Well, I'm not sure in light of

1 the order that was entered that I agree with that,  
2 but let me try to work that out with Ms. Anderson.

3 JUDGE KIRKLAND-MONTAQUE: Okay.

4 MR. ROTHSCHILD: Because we did not even  
5 receive anything until very late in the game, after a  
6 press release was issued by the Commission announcing  
7 that a fitness hearing would occur. And I have asked  
8 for and I did receive one sheet of paper that relates  
9 to that.

10 But I'm going to drill down and try to  
11 find out a little bit more, and if I have an issue  
12 regarding how this matter is postured or the burden  
13 of proof, I will address it to you. But I want to  
14 speak to Ms. Anderson first.

15 JUDGE KIRKLAND-MONTAQUE: Okay. All right.  
16 Well, things appear to be moving along. The  
17 information is going back and forth. I understand  
18 you'll need time to review what you received last  
19 week.

20 MR. ROTHSCHILD: May I say one other thing?

21 JUDGE KIRKLAND-MONTAQUE: Sure.

22 MR. ROTHSCHILD: We did spend the better part



1 of the last six weeks working on the back load of  
2 administrative citations.

3 So I think that that was certainly my  
4 focus, my client's focus, and Ms. Anderson and  
5 Mr. Barr's focus. So that has slowed down the  
6 process, but I believe we'll be able to move along  
7 more expeditiously in the future.

8 JUDGE KIRKLAND-MONTAQUE: Okay. Well, we have  
9 another date of September 20th for ad cites already  
10 on the calendar. So I suggest that we use that date  
11 as another status hearing for this matter that we can  
12 start.

13 MR. ROTHSCHILD: I'm going out of town that  
14 week.

15 JUDGE KIRKLAND-MONTAQUE: The 20th of  
16 September?

17 MR. ROTHSCHILD: So I could do the following  
18 Tuesday, I believe. Let me check the date of that,  
19 Judge. If you're available Tuesday the 27th? Is  
20 that good for you?

21 MS. ANDERSON: I'm available.

22 MR. BARR: I'm also available.

1 JUDGE KIRKLAND-MONTAQUE: Okay. But we had ad  
2 cites that day. We'd have to kick those out.

3 MR. ROTHSCHILD: Without --

4 JUDGE KIRKLAND-MONTAQUE: Oh, you're trying to  
5 resolve --

6 MR. ROTHSCHILD: We anticipate without getting  
7 into a big, deep discussion about those because I ask  
8 we don't use that hearing for this purpose. I do  
9 want to say that I believe that there won't be any  
10 for you to hear by that date.

11 JUDGE KIRKLAND-MONTAQUE: Okay. Well, then the  
12 27th works for me, but it would have to be a later  
13 time. I have a 10:00 o'clock.

14 MR. ROTHSCHILD: What would be the very latest  
15 you could do, so I don't have to go back to my  
16 office?

17 JUDGE KIRKLAND-MONTAQUE: Oh. I could do  
18 3:00 o'clock. Is that too late?

19 MS. ANDERSON: That is fine.

20 JUDGE KIRKLAND-MONTAQUE: We'll do 3:00 o'clock  
21 then.

22 MR. ROTHSCHILD: That would be great. I

1 appreciate that. Then I won't ask you for a note.

2 JUDGE KIRKLAND-MONTAQUE: Oh, okay. To go back  
3 to work.

4 Okay. This matter will be continued  
5 to Tuesday, September 27th at 3:00 p.m. here in  
6 Chicago. And I'm sure you will continue to  
7 communicate with one another to try to work out as  
8 many issues as you can before then. Thank you.

9 That's it for today.

10 (Whereupon, the matter was  
11 continued September 27, 2016,  
12 at 3:00 p.m.)

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