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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
Rendered Services, Inc. )  
an Illinois Corporation. )  
)No. 74 RTV-R Sub 15  
Respondent. )  
)  
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 ILC'S )  
5/18a-401. )

Chicago, Illinois  
June 28, 2017

Met pursuant to notice at 9:30 a.m.

BEFORE:  
LATRICE KIRKLAND-MONTAQUE, Administrative Law Judge.

1 APPEARANCES:

2 ILLINOIS COMMERCE COMMISSION, by  
3 MR. BENJAMIN BARR  
4 160 North LaSalle Street, Suite C-800  
5 Chicago, Illinois 60601-3104  
6 (312) 814-2859  
7 bbarr@icc.illinois.gov

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

10 GOLDSTINE, SKRODZKI, RUSSIAN, NEMEC  
11 AND HOFF, LTD., by  
12 MR. DONALD S. ROTHCHILD  
13 The Prairie Building  
14 835 McClintock Drive, Second Floor  
15 Burr Ridge, Illinois 60527-0860  
16 (630) 655-6000, Ext. 236  
17 drothschild@gsrnh.com

18 Appearing on behalf of the respondent.

19 SULLIVAN REPORTING COMPANY, by  
20 Brad Benjamin, CSR  
21 License No. 084-004805  
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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>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None so marked or admitted.		

1           JUDGE KIRKLAND-MONTAQUE: By the vested in me  
2 by the State of Illinois and the Illinois Commerce  
3 Commission, I now call for status hearing 74 RTV-R  
4 Sub 15. This is the hearing on fitness to hold a  
5 commercial vehicle relocater's license held by  
6 Rendered Services, Inc.

7                   May I have appearances, please. Just  
8 state your name and who you're representing. Let's  
9 start with Rendered.

10           MR. ROTHCHILD: Good morning, your Honor. My  
11 name is Donald S. Rothchild. I represent the  
12 relocater, Rendered Services, Inc.

13           JUDGE KIRKLAND-MONTAQUE: Okay. Staff?

14           MR. BARR: Good morning, your Honor, Benjamin  
15 Barr on behalf of the staff of the Illinois Commerce  
16 Commission.

17           JUDGE KIRKLAND-MONTAQUE: Okay. So this is a  
18 status. Where are things? Where are we right now?

19           MR. BARR: Your Honor, we held two depositions  
20 since the last status hearing: one of our officers,  
21 and one of a motorist.

22                   I also reached out to Mr. Rothchild

1 this week to discuss -- I know he's going to be off  
2 in July, but discussing maybe putting some type of  
3 settlement offer together to try to resolve this  
4 prior to his client and the Commerce Commission  
5 spending the money on further depositions.

6 MR. ROTHCHILD: That's essentially correct.

7 I would say that prior to Mr. Barr and  
8 I speaking this week, I had made several overtures to  
9 try to see if we could move the thing off the dime,  
10 and now there appears to be some measure of interest.  
11 So I think that it would be productive particularly  
12 in that I think there's roughly 20 depositions. If  
13 they proceed taking all of our witnesses, which  
14 indicated at one point they wanted to, we only have,  
15 I think about -- maybe 8 of those 20 would be  
16 rendered taking depositions and the others would be  
17 our 12 or so witnesses.

18 So I wanted to point out that we've  
19 been very patient through the other busyness that the  
20 Commission's been involved with. I announced months  
21 ago that I am unavailable other than one day in July.  
22 I'm going to meet with my client this morning and try

1 to sketch out some concepts to offer to Mr. Barr,  
2 probably when I get back in town. And if we could  
3 have a mid-August date, I think we will be able to  
4 announce to you that we're moving towards resolving  
5 it or let's go back right into discovery and get  
6 ready for trial.

7                   One other thing before we select a  
8 date, and Mr. Barr knows I feel strongly about this  
9 and I'm not going to argue the whole point, but one  
10 of the things I attempted to do through Mr. Barr was  
11 avoid having to go to the trouble and expense of the  
12 subpoenas that you -- I move for subpoenas, you  
13 issued them, we took this fellow's deposition. I  
14 asked him during the deposition if he would have come  
15 without a subpoena and he said yes. And I spoke to  
16 Counsel afterward and he made an effort to see if  
17 that could be done.

18                   We spent about \$500. We had to go to  
19 Indiana twice to serve this guy. We had to pay him a  
20 witness fee. We had to -- it just was a lot of money  
21 unnecessarily spent that my client doesn't really  
22 have for things like that.

1                   So I may move again to have the staff  
2     turn over the contact information of these three or  
3     four people that are left that we wanted to depose  
4     that are citizen witnesses, and I'll call them  
5     myself. Apparently, the sensitivity is they won't  
6     release their phone numbers and several of them, we  
7     believe have moved, and one of them is at a P.O. box.  
8     This isn't going to be a benefit to track the person  
9     down.

10                   So I wanted to at least go on the  
11     record of addressing that subject generally so you're  
12     not surprised if I come in at some point asking for  
13     further information so we don't have to go through  
14     that charade of chasing people down at night,  
15     knocking on their doors to hand them a subpoena, when  
16     a phone call would have sufficed to get the guy in.

17                   MR. BARR: I think the two issues with the  
18     phone numbers are one, being that, you know, when  
19     those phone numbers are provided to the Commission,  
20     they're provided in confidence, that they won't be  
21     released.

22                   Two, being that if we -- you know,

1 even if Staff was to call these motorists and say,  
2 you know, Can we give you -- can we give opposing  
3 counsel your phone number or, you know, whatever  
4 phone -- whatever number you want to give or contact  
5 information, it's going to imply that Coun- -- you  
6 know, Staff of the Illinois Commerce Commission has  
7 some type of representation or, you know,  
8 attorney-client relationship with these motorists  
9 because --

10 JUDGE KIRKLAND-MONTAQUE: They're your  
11 witnesses?

12 MR. BARR: They are witnesses, but obviously,  
13 we don't represent their -- we represent the staff,  
14 we represent the police officers, but we don't  
15 represent the individual motorists.

16 JUDGE KIRKLAND-MONTAQUE: I understand, but it  
17 just seems to me that there's some way to communicate  
18 in a neutral way to suggest that, you know, even  
19 if -- you know, you've agreed to be a witness in our  
20 case; we appreciate that. As part of the process,  
21 you might be contacted by the other attorney in this  
22 matter, and here's his information in case -- or



1 something. It's very neutral. I can imagine that.

2 MR. BARR: The one thing I would suggest to  
3 Coun- -- is maybe I send in a letter to them --

4 JUDGE KIRKLAND-MONTAQUE: Yeah.

5 MR. BARR: -- not on Staff's behalf, but if  
6 Counsel wants to send a letter to them saying, you  
7 know, here's my contact information.

8 JUDGE KIRKLAND-MONTAQUE: Uh-huh.

9 MR. BARR: Please call me so -- you know.

10 MR. ROTHCHILD: The other problem with this  
11 fellow that came, you know, I selected the date.  
12 He -- I think the dep was at 1:00 or 2:00 in the  
13 afternoon at my office. And he said he -- it wasn't  
14 a convenient date, that he had to start work that  
15 morning, like at 5:00 or 6:00 in the morning in order  
16 to be done to get to dep, whereas if we worked this  
17 out, I'd accommodate their schedule in any regard.

18 So it's an absurdity from my point of  
19 to view, but I'm not going to dwell on it anymore.

20 JUDGE KIRKLAND-MONTAQUE: Right.

21 MR. ROTHCHILD: But I just want to say that we  
22 could avoid a lot of time waste and financial expense

1 if this could be worked out. And I also don't  
2 believe -- my opinion only -- that when they give  
3 their a phone numbers, they're given in confidence.  
4 They're filing complaints with the commission, and I  
5 don't --

6 JUDGE KIRKLAND-MONTAQUE: Isn't it --

7 MR. ROTHCHILD: They're not ongoing  
8 investigations.

9 JUDGE KIRKLAND-MONTAQUE: If you did a FOIA,  
10 could you get --

11 MR. ROTHCHILD: I did. Well, they block them  
12 out. They would block them out.

13 MR. BARR: They block them out.

14 JUDGE KIRKLAND-MONTAQUE: A phone number?

15 MR. BARR: Yeah. Any type of -- even when we,  
16 you know, produce, like, say the citations and the  
17 discovery requests, or anything like. Even for --  
18 Rendered's own drivers, we'll block out their  
19 driver's license number, obviously their address,  
20 stuff like that.

21 JUDGE KIRKLAND-MONTAQUE: All right. Well,  
22 we'll cross that bridge when we get to it.

1 Hopefully, maybe this settlement thing will be --

2 MR. ROTHCHILD: I'm hoping it would. You know  
3 how reasonable I am, Judge.

4 JUDGE KIRKLAND-MONTAQUE: Well, aren't we all  
5 reasonable?

6 MR. ROTHCHILD: I just have to convince Counsel  
7 of that.

8 MR. BARR: It's -- I mean, it's not only --  
9 well, I don't want to say convincing me, but, you  
10 know, obviously we can put anything before the  
11 Commission. It's up to them to decide whether they  
12 want to accept a settlement.

13 JUDGE KIRKLAND-MONTAQUE: Well, I get it. I  
14 don't want to put, you know, the cart before the  
15 horse.

16 MR. BARR: Right.

17 JUDGE KIRKLAND-MONTAQUE: Let's just take this  
18 one step at a time. I'm aware of the issue. I think  
19 that there should be some way to -- and it's --  
20 it's -- either you want to get to hearing or you  
21 don't. I mean, what's our objective? Is it time or  
22 not? I don't know. I'm not -- I'm just hearing the

1 evidence and moving things along here.

2                   So on that note, I understand what  
3 your point is and we'll cross that bridge when we get  
4 to it. But for now, you said mid-August?

5           MR. ROTHCHILD: Yeah. And I have a couple of  
6 bad dates already, but would August 17th work for  
7 you?

8           JUDGE KIRKLAND-MONTAQUE: Afternoon?

9           MR. BARR: Yeah. Because the only issue with  
10 the 17th is the citation hearings in the morning, but  
11 the afternoon would work.

12           JUDGE KIRKLAND-MONTAQUE: Unless you did -- we  
13 get --

14           MR. ROTHCHILD: Could we do it at 3:00?

15           JUDGE KIRKLAND-MONTAQUE: Yeah.

16                   Is that okay with you?

17           MR. BARR: That's fine, your Honor.

18           JUDGE KIRKLAND-MONTAQUE: Sounds good to me.

19 So this -- you have some --

20           MR. BARR: I was just going to say I appreciate  
21 both your Honor and Counsel moving the date from  
22 tomorrow, on Staff's motion.

1 JUDGE KIRKLAND-MONTAQUE: Okay.

2 MR. ROTHCHILD: That's not a big deal at all.

3 JUDGE KIRKLAND-MONTAQUE: So we will reconvene.

4 This matter's continued to Thursday, August 17th, at  
5 3:00 p.m., here in Chicago, and we will reconvene  
6 then.

7 Thank you.

8 (Whereupon the matter  
9 above was continued to  
10 August 17, 2017, at  
11 3:00 p.m.)

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