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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.) 81440 MC
)
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 27, 2016

Met pursuant to notice at 3:00 p.m.

BEFORE:
LATRICE KIRKLAND-MONTAQUE, Administrative Law Judge.

1 APPEARANCES:

2 ILLINOIS COMMERCE COMMISSION, by
3 MS. JENNIFER ANDERSON
4 MR. BENJAMIN BARR
5 160 North LaSalle Street, Suite C-800
6 Chicago, Illinois 60601-3104
7 (312) 814-1934
8 (312) 814-2859
9 janderson@icc.illinois.gov
10 bbarr@icc.illinois.gov

11 Appearing on behalf of the Staff of the
12 Illinois Commerce Commission;

13
14 GOLDSTINE, SKRODZKI, RUSSIAN, NEMEC
15 AND HOFF, LTD., by
16 MR. DONALD S. ROTHCHILD
17 The Prairie Building
18 835 McClintock Drive, Second Floor
19 Burr Ridge, Illinois 60527-0860
20 (630) 655-6000, Ext. 236
21 drothschild@gsrnh.com

22 Appearing on behalf of the respondents.

ALSO PRESENT:

Mr. William Nestos
Mr. James Damion

SULLIVAN REPORTING COMPANY, by
Brad Benjamin, CSR
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 power vested
2 in me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. 74 RTV-R
4 Sub 15 for a status hearing. This is in the matter
5 of Rendered Services, Inc., and this is on the
6 hearing on fitness to hold a Commercial Vehicle
7 Relocator's License.

8 May I have appearances please, let's
9 start with Staff.

10 MS. ANDERSON: Thank you, your Honor. My name
11 is Jennifer Anderson. I appear on behalf of the
12 staff of the Illinois Commerce Commission. My
13 address is 160 North LaSalle Street, Chicago,
14 Illinois 60601. My phone number is (312) 814-1934.

15 JUDGE KIRKLAND-MONTAQUE: Thank you.

16 MR. BARR: Good afternoon, your Honor. My name
17 is Benjamin Barr. I also appear on behalf of the
18 staff of the Illinois Commerce Commission. My
19 address is located at 160 North LaSalle Street,
20 Chicago, Illinois 60601. My phone number is
21 (312) 814-2859.

22 JUDGE KIRKLAND-MONTAQUE: Thank you.

1 Rendered?

2 MR. ROTHCHILD: Good afternoon, your Honor.

3 My name is Donald S. Rothchild. My
4 business address is 835 McClintock Drive, Burr Ridge
5 Illinois 60527. I'm an attorney licensed by the
6 Supreme Court, and I represent the respondent,
7 Rendered Services, Inc.

8 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

9 So why don't I give the floor to
10 Ms. Anderson to give us an update on where discovery
11 stands with this case.

12 MS. ANDERSON: Thank you, your Honor.

13 Since the last date that we had on
14 this matter, Staff has corresponded with counsel for
15 Rendered concerning discovery responses from both
16 parties. With respect to Rendered's response to
17 Staff, they did follow up with information today
18 after our last phone conversation about a type of
19 document that they have that records certain tows
20 that I was waiting to hear about. So Staff
21 anticipates that it will shortly be modifying some of
22 the language in discovery requests to Rendered.

1 With respect to Staff's response to
2 Rendered, we had provided that, I think on the date
3 of the last hearing or shortly there before and they
4 did not have sufficient time to review it --
5 everything, but we have talked about it on the phone
6 since then. They have provided certain written
7 feedback to Staff concerning additional information
8 that they are looking for, and at this point Staff is
9 still working to determine what additional
10 information we may provide to them and try to further
11 communicate in that regard.

12 JUDGE KIRKLAND-MONTAQUE: Mr. Rothchild?

13 MR. ROTHCHILD: Yeah.

14 We had a pretty lengthy conference,
15 the attorneys for each side, and had some lively
16 discussions about things like attorney/client
17 privilege and work product, and we are awaiting a
18 response.

19 I've memorialized that in a letter to
20 Ms. Anderson dated September 20th. I haven't heard
21 anything further with regard to the information that
22 we're still expecting to embellish the responses

1 where there were objections made on the basis of
2 attorney/client privilege and burdensomeness and some
3 other legal objections which were interposed that we
4 disagree about and, as you know, the rules
5 contemplate that the parties get together and try to
6 resolve their differences, and I think we're still in
7 the process of doing that, but I haven't really heard
8 much further. It's only been a couple weeks.

9 JUDGE KIRKLAND-MONTAQUE: So at this point do
10 you have any idea on how many issues we might
11 disagree upon or are you just not close -- not close
12 enough?

13 MR. ROTHCHILD: One, two, three, four, five,
14 probably half a dozen. And then -- but that's, you
15 know, assuming that each one of those gets resolved
16 without, you know, requiring your intervention.

17 But then, as I explained to
18 Ms. Anderson, when I learned the identity of the
19 people that have knowledge of the facts embodied in
20 the document that was issued in a press release in
21 March, stating that, you know, our fitness is
22 possibly called into question, I will be asking

1 probably for the depositions of a few those people.
2 I don't know that there are all that many. At least
3 the implication was that they're probably staff
4 members that are currently employed, either with the
5 agency or the police department of the agency.

6 There may be -- I know Police Chief
7 Hartigan passed away, and he was somebody that I
8 believe has knowledge of some of our defenses and
9 some of the issues in the case. So obviously he's
10 not going to give a deposition. So there may be one
11 or two more.

12 And I provided a list of all the
13 potential witnesses that we have in our response, but
14 Ms. Anderson has yet to do that. But I believe we've
15 reached some kind of an understanding that I'll be
16 getting those at some point in this process is what
17 she told me.

18 JUDGE KIRKLAND-MONTAQUE: What I'd like to try
19 to get is an idea of how long it might take you to
20 get to the point where your -- where you know what
21 issues you disagree with.

22 Can we kind of set that as a target?

1 MR. ROTHCHILD: Yeah. Well, I know which ones
2 we disagree on now, but we're trying to work them
3 out. If we can't work them out by the next time then
4 they're going to be matters for your attention.

5 So --

6 JUDGE KIRKLAND-MONTAQUE: I guess we're --

7 MR. ROTHCHILD: -- let us know when.

8 JUDGE KIRKLAND-MONTAQUE: -- saying the same
9 thing.

10 MR. ROTHCHILD: Yeah.

11 JUDGE KIRKLAND-MONTAQUE: I'd like to give you
12 a set amount of time to work on these outstanding
13 issues with the hopes that, you know, whatever isn't
14 resolved we would be able to then move forward in
15 terms of maybe a motion to compel or something of
16 that nature.

17 MR. ROTHCHILD: Yeah, that would be fine from
18 our perspective.

19 I believe in -- you know, this is just
20 my perspective -- that we're awaiting more
21 information from the staff then they are from us.

22 JUDGE KIRKLAND-MONTAQUE: How much time do you

1 guys think you need?

2 MR. BARR: I think there's definitely room, you
3 know, for both parties to work together and try to
4 resolve any differences before either party would
5 file a motion. I think if we set a status for 30
6 days and try to work through those next 30 days of
7 getting, you know, as close as we can to resolving
8 all the disputes that each party has, I think that
9 we'll be in a better position to further proceed in
10 the case.

11 JUDGE KIRKLAND-MONTAQUE: Okay. How does 30
12 days sound to you, Mr. Rothchild?

13 MR. ROTHCHILD: It's a number I hear all the
14 time, so it sounds fine.

15 JUDGE KIRKLAND-MONTAQUE: Okay.

16 MR. ROTHCHILD: Are we off the record?

17 JUDGE KIRKLAND-MONTAQUE: Off the record for a
18 sec.

19 (A discussion was held off
20 the record.)

21 JUDGE KIRKLAND-MONTAQUE: Let's go back on the
22 record.

1 This matter will be continued for
2 another status hearing to Wednesday, October 26th at
3 10:00 a.m. here in Chicago. And in the interim, I
4 would hope that you guys continue to work out any
5 issues that you have to. So we'll reconvene on that
6 date.

7 Thank you.

8 (Whereupon the above-referenced
9 matter was continued to
10 October 26, 2016, at
11 10:00 a.m.)

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