

1 APPEARANCES:

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ILLINOIS COMMERCE COMMISSION

BY: MR. MARTIN BURZAWA

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(160 North LaSalle Street, Suite C-800

Chicago, Illinois 60601

5

312.793.2877)

Appeared on behalf of ICC Staff;

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PERL & GOODSNYDER, LTD.

8

BY: MR. ALLEN R. PERL

MR. VLAD V. CHIRICA

9

(14 North Peoria Street, Suite 2-C

Chicago, Illinois 60607-2644

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312.243.4500)

Appeared on behalf of Protective

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Parking.

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1 JUDGE KIRKLAND-MONTAQUE: By the power
2 vested in me by the State of Illinois and the
3 Illinois Commerce Commission, I now call docket
4 number 92 RTV-R Sub 17.

5 This is in the matter of Protective
6 Parking Service Corporation doing business as
7 Lincoln Towing Service, and this is a hearing on
8 fitness to hold a commercial vehicle relocators
9 license.

10 May I have appearances. Just state
11 your name and who you represent starting with
12 Lincoln Towing.

13 MR. PERL: Thank you, your Honor. For the
14 record, my name is Allen Perl of Perl &
15 Goodsnyder. I represent Protective Parking
16 Service Corporation doing business as Lincoln
17 Towing Service, the respondent in this matter.

18 MR. CHIRICA: Good morning, your Honor.
19 Vlad Chirica, also from Perl & Goodsnyder
20 representing Protective Parking Service
21 Corporation doing business as Lincoln Towing
22 Service, respondent.

1 MR. BURZAWA: Good morning, your Honor.
2 Martin Burzawa for the Staff of the Illinois
3 Commerce Commission.

4 One thing, Judge, before we move into
5 the witness's testimony. I have an issue that I
6 would like to address on the record concerning
7 yesterday's testimony on the exhibits. And I
8 guess -- I think it may be appropriate to do
9 that outside the presence of the witness because
10 it concerns exhibits that were used during his
11 testimony.

12 JUDGE KIRKLAND-MONTAQUE: Okay.

13 (WHEREUPON, the witness left the room.)

14 MR. BURZAWA: I think there may be a couple
15 issues with Lincoln's Exhibits 23 through 26,
16 Judge. As you recall, those exhibits were
17 presented to Sergeant Sulikowski.

18 Based on some of the comments that
19 Mr. Perl made when we were arguing about the
20 general accuracy of public records, I think he
21 made a comment something to the effect of that,
22 We did it, referring to how easily documents or

1 records are altered. And upon further
2 reflection, although it wasn't too clear, I
3 think he made have been referring to these
4 exhibits.

5 And I think that raises a couple
6 issues, and I think a clear statement on the
7 provenance of these exhibits is necessary to
8 kind of clear up some of those issues because,
9 one, the first issue is candor to the tribunal.

10 When Mr. Perl presented these
11 documents to me to review before he gave them to
12 the witness, he made no indication that they
13 were somehow not a legitimate record. I had no
14 reason to question their legitimacy. The
15 witness had no reason to question the legitimacy
16 and you yourself had no reason to question their
17 legitimacy.

18 And, in fact, if you remember, I
19 objected to their foundation. Mr. Perl was
20 uncharacteristically silent to that, and I think
21 that borders on misleading and a
22 misrepresentation by omission, in fact, they

1 were created strictly for purposes of this
2 litigation.

3 Which leads to the second issue. An
4 attorney cannot serve as both a witness and an
5 advocate in a proceeding. If these documents or
6 records were actually created or intentionally
7 altered, Mr. Perl -- or if he directed someone
8 to do that -- have inserted themselves as a
9 witness in this hearing. And they're subject
10 not to examination about these records.

11 So if it were clear from the very
12 beginning that they were altered records
13 specifically for this litigation, they would
14 have been subject to further objections from
15 Staff because they were created, you know, by
16 Mr. Perl or somebody at his direction, so they
17 should never have been in part of these
18 proceedings. So they should have been excluded
19 from the beginning.

20 And if that's the case, if there's a
21 clear statement from Mr. Perl they were created
22 for the purposes of this examination, I think

1 the exhibits themselves and all the testimony
2 should be stricken.

3 And I understand where this conduct
4 comes from because we always -- we're arguing
5 about the accuracy of public records, but in the
6 accuracy of public records is somewhat different
7 from raising the implication that they were
8 intentionally falsified.

9 We're dealing with certified public
10 records. So they're self-authenticating. They
11 are what they say they are according to the
12 Illinois rules of evidence. That's not saying
13 that they're accurate, there may be but some
14 factual inaccuracies, but they're saying what's
15 printed on those records is what's contained in
16 MCIS.

17 And the argument by implication that
18 Mr. Perl is raising, that either the custodian
19 of records, after he printed those records out
20 and out and certified them, intentionally
21 falsified them. Or, even worse, he's implying
22 that Staff did that after they created this --

1 these exhibits.

2 So that is a completely inappropriate
3 and unfounded argument. There has to be some
4 type of good-faith basis for that. And that
5 would be an argument really akin to an
6 affirmative defense that Mr. Perl or Lincoln
7 would be able to present in their case through
8 their witnesses if they were to actually present
9 evidence as to how easily documents are altered,
10 they could do that in their case as an
11 affirmative defense, which they would have a
12 burden to prove up, and which incidentally, you
13 know, they would -- they didn't list that in
14 their disclosures as them producing any
15 witnesses to that effect.

16 So I think the -- it would be
17 untimely in order to do that. So, in sum, these
18 documents, if they are intentionally created for
19 the purposes of this litigation -- specifically
20 this witness -- by Mr. Perl at his direction, I
21 think that's improper, and I think they and all
22 the testimony should be excluded.

1 JUDGE KIRKLAND-MONTAQUE: Mr. Perl?

2 MR. PERL: Well, I'm not really certain how
3 to respond because I think what he just did is
4 unprecedented in any trial I've ever been in but
5 I'll try this.

6 Exhibits A through F were all created
7 by Staff. Clearly. This witness says he didn't
8 create them, he didn't print them, he has no
9 idea. I guess then you would have to exclude
10 those because they created them. I didn't and
11 neither did the witness.

12 I don't understand how counsel
13 constantly gets to say to the court and cites
14 common law and statutes without ever showing
15 them to you. There's no such thing as
16 self-authenticating. The stuff he says, he just
17 pulls out of the air. He never actually shows
18 you the Rule 902 or 803 or whatever rule he's
19 talking about. He just says it, he misstates
20 it, and he misquotes it every time.

21 So now counsel just said for the
22 first time we're not saying their records are

1 reliable because they aren't reliable, we know
2 that. All he's saying, I guess, is that
3 somebody, Scott Morris, certifying something,
4 but we don't know what it is because they won't
5 present him.

6 So all we did was prove to this court
7 yesterday -- and by the way, Exhibits P, Q, R,
8 and S which were entered into evidence were all
9 created by prior counsel. She actually said she
10 created them. So it doesn't mean that she's
11 going to testify; they just aren't presented as
12 evidence in the case.

13 I haven't even given you 23 and 26 to
14 admit yet, and I might not. I don't know. The
15 foundation issue is ridiculous, your Honor. The
16 fact that I have to use these methods to show
17 that their documents aren't reliable is
18 ridiculous in itself.

19 All we did was and we presented them
20 to the witness to ask him if this is the same or
21 similar documents because clearly looking at
22 them, anyone can change anything on the

1 documents they have.

2 They don't know if it's a screenshot.
3 They don't -- this witness doesn't know if it's
4 a screenshot, a copy, a copy of a copy. He has
5 no idea. And what evidence was proven to show
6 is that he doesn't know. Because I showed him
7 four documents, and he doesn't know if they're
8 accurate or not because he doesn't know what the
9 screen really said. So I haven't moved to admit
10 them yet. I will wait to see if I'm going to.

11 And, by the way, this is my case
12 right now. We've talked about this I don't know
13 how many times. I'm only going to call these
14 people one time. So I'm cross-examining them
15 and directing them at the same time. Unless
16 counsel wants me to re-call them again, and I
17 will.

18 So if I'm stuck with only
19 cross-examining Sulikowski, that's fine. I'll
20 re-call him in my case in two weeks. The trial
21 can go five or ten more days. It's okay with
22 me.

1 So what counsel keeps saying to you
2 this is not my case in chief, it is. I mean, I
3 thought we agreed to that. Unless we didn't
4 agree to it -- okay, fine, he's shaking his head
5 so now here's what I'm going to do: I will
6 re-call Officer Strand, Officer Geisbush,
7 Investigator Kassal, and Sergeant Sulikowski in
8 my case, but I'll tell you right now we need
9 extra days then. So let's prepare for that
10 right now. And I'm okay with that.

11 So what we can do is, we can deal
12 with all these issues, I'll finish up today,
13 just my cross-examination, and I will re-call
14 every single one of them on my case in chief
15 because that seems what counsel wants me to do.

16 JUDGE KIRKLAND-MONTAQUE: Well, what would
17 you say then that's different from today?

18 MR. PERL: Well, then I will be able to get
19 into other things because counsel apparently
20 thinks that with Sergeant Sulikowski I'm limited
21 to just cross-examination because he keeps
22 saying it's not my case in chief. Counsel --

1 MR. BURZAWA: This is not the issue we're
2 on, Judge.

3 MR. PERL: That's what he said.

4 MR. BURZAWA: No. No, I've allowed counsel
5 to go beyond the scope of cross-examination with
6 every witness, but strictly speaking -- I know
7 we've discussed this before and we haven't
8 gotten a definitive ruling from you to kind of
9 clear up this issue, but as I see it, we are
10 still on Staff's case. We started with the
11 direct examination of Staff's witnesses.

12 Contrary to what Mr. Perl
13 misrepresented, the previous counsel did not
14 rest at the previous hearing.

15 And we're still in the
16 cross-examination of Staff's witnesses. So how
17 can we have moved into respondent's case if
18 we're still on Staff's witnesses?

19 I know this is a little bit
20 unorthodox because we had the break in
21 testimonies because of -- I think a delay in
22 disclosure of some documents where you allowed

1 the discovery deposition of Sergeant Sulikowski,
2 but that's the only reason for that unorthodox
3 break. Otherwise, Mr. Perl would be
4 cross-examining each witness immediately after
5 their direct examination.

6 So we are still in Staff's case. And
7 if counsel keeps bringing up the fact of
8 re-calling them -- I've allowed him to go beyond
9 the scope, but if that's the case, if he
10 attempts to re-call them, he didn't disclose
11 them as his witnesses in his witness
12 disclosures.

13 He only disclosed, I think Mr. --

14 MR. BURZAWA: Judge --

15 MR. PERL: -- Mr. Dennis. So he wouldn't
16 be allowed to call them as his witnesses in his
17 case in chief.

18 And it's only because I've allowed
19 him to go beyond the scope he's able to get into
20 that subject matter. He wouldn't be able to
21 re-call them in his case, which hasn't yet
22 started.

1 So if we're going to deal with all
2 these issues, I think we need to deal with that
3 issue, a definitive statement from the court as
4 to whose case we're presently in.

5 MR. PERL: That wasn't what I was referring
6 to, Judge. I said to this court at prior --
7 maybe this counsel wasn't the counsel of record.
8 I said there's one of two ways we could proceed
9 with this hearing. I can only do the
10 cross-examination and then call them as rebuttal
11 witnesses or witnesses in my case. I can do
12 that. Or I can do it all at one time. I wanted
13 to save time.

14 Everything -- by the way, Judge,
15 every single delay in this case has been Staff's
16 issue, not ours. Every time we have an issue,
17 it's staff, not us. Not giving us documents on
18 time, not disclosing --

19 MR. BURZAWA: Can we just stick with the
20 issue, Judge?

21 MR. PERL: I'm trying to. And I don't
22 appreciate being interrupted. I did not

1 interrupt --

2 JUDGE KIRKLAND-MONTAQUE: All right. Just
3 keep going.

4 MR. PERL: The reason it was taking so long
5 is because of the late disclosures by Staff,
6 because they don't give the documents. They
7 fought me on giving me the transcripts from
8 these hearings, which was ridiculous. It took
9 two months to get these documents.

10 So I do not appreciate when counsel
11 says I misrepresented anything. I've never
12 misrepresented anything.

13 When prior counsel was asked by your
14 Honor directly, Do you have any further -- any
15 further witnesses? No. That's what he said.
16 He didn't say, Just this witness is done. He
17 tendered the witnesses to us.

18 The reason I didn't cross-examine
19 them is because they didn't disclose documents
20 to me, purposely. I think anyway --

21 MR. BURZAWA: That's improper.

22 MR. PERL: -- anything --

1 JUDGE KIRKLAND-MONTAQUE: Okay.

2 MR. PERL: -- no jury here, so counsel, I
3 don't know who he's playing to. But you know
4 what happened as well as I do. I didn't
5 misrepresent anything to you. I read from the
6 absolute transcript from the hearing where he
7 said he had no further questions --

8 MR. BURZAWA: You said you rested --

9 MR. PERL: -- so -- so --

10 MR. BURZAWA: -- so you made a
11 misrepresentation --

12 MR. PERL: -- didn't say --

13 MR. BURZAWA: -- corrected you --

14 MR. PERL: So there he goes again.
15 That's --

16 JUDGE KIRKLAND-MONTAQUE: Wait a minute --

17 MR. PERL: -- time interrupting me.

18 JUDGE KIRKLAND-MONTAQUE: All right.
19 All right.

20 Well, let me give you my
21 interpretation. Even though he didn't say
22 rested, and when I asked Benjamin Barr if he

1 was -- if that's all you presented and he said
2 yeah.

3 That's -- I can go -- I'll look -- my
4 interpretation was that he was done presenting
5 his case.

6 MR. PERL: And that --

7 JUDGE KIRKLAND-MONTAQUE: -- we're on
8 cross-examination.

9 And I think at the beginning of
10 cross-examining -- I forget who the first
11 witness was, Strand, perhaps -- I thought you
12 made it clear that you were doing both
13 cross-examination and your direct examination.
14 And that's probably you're saying you gave him
15 latitude to --

16 MR. BURZAWA: It was by agreement
17 essentially --

18 JUDGE KIRKLAND-MONTAQUE: Okay. Fine --

19 MR. PERL: Agreed.

20 JUDGE KIRKLAND-MONTAQUE: -- fine.

21 MR. BURZAWA: -- cross-examination.

22 MR. PERL: So why does counsel keep saying

1 it's --

2 (UNINTELLIGIBLE CROSSTALK)

3 JUDGE KIRKLAND-MONTAQUE: -- sounds to me
4 like it's a combination of cross and direct.
5 And his -- I mean, it's a combination.

6 I don't want to create a line to say
7 now you -- we've spent five days
8 cross-examining, now you're going to have to
9 spend another five days. That doesn't make any
10 sense. It's inefficient.

11 MR. BURZAWA: And that's why I allowed him
12 to go beyond the scope.

13 JUDGE KIRKLAND-MONTAQUE: Exactly. So it
14 sounds like we're on the same page.

15 MR. PERL: Well, Judge, counsel can tell
16 you that he allowed you, but he has no
17 authority. You do.

18 JUDGE KIRKLAND-MONTAQUE: Okay.

19 MR. PERL: So I don't need counsel's
20 authority to do anything in this courtroom, only
21 yours.

22 And my point is, yesterday and today

1 and each time counsel argues, he makes it out
2 like this is not my case. It is --

3 JUDGE KIRKLAND-MONTAQUE: Okay.

4 MR. PERL: -- I agree it's
5 cross-examination as well, but I didn't have to
6 do this. I wanted to streamline it. I could
7 have said to this court I want to do them
8 separately, but I said let's do them at the same
9 time so we get it done faster --

10 JUDGE KIRKLAND-MONTAQUE: Okay.

11 MR. PERL: -- now counsel says to you
12 that -- I'm trying to take notes -- that somehow
13 this is not my case and I should do this in my
14 case. I don't want to do it my case. I want to
15 do it at the same time.

16 JUDGE KIRKLAND-MONTAQUE: Okay. So
17 basically in terms of procedural, I mean, how
18 this case is proceeding, my understanding is
19 that counsel is doing both cross and direct --
20 his case with these particular witnesses,
21 whether it's cross-examination or his case in
22 chief.

1 The question you presented initially
2 regarding the Exhibits 23, 24, 25, and 26 being
3 improper because you're saying that they were --

4 MR. BURZAWA: They were created -- well, we
5 still haven't gotten a definitive statement from
6 Mr. Perl whether or not they were created by him
7 or somebody at his direction, which I surmise
8 they were because I checked the information on
9 them through MCIS, and there's information
10 missing where it would be normally.

11 If he created them, fine, but he
12 can't get them in through Sergeant Sulikowski.
13 And as you recall, Sergeant Sulikowski testified
14 he couldn't identify these documents so I --

15 JUDGE KIRKLAND-MONTAQUE: But he didn't
16 move to admit them --

17 MR. PERL: I didn't move --

18 JUDGE KIRKLAND-MONTAQUE: -- admitting
19 them.

20 MR. BURZAWA: I know they weren't admitted,
21 but even referencing them, and now he's going
22 to -- by implication, he's trying to establish

1 how easily alterable these documents are.

2 He's inserting him as a witness. So
3 then I'm actually entitled to, you know, examine
4 the individual who created these documents.
5 He's inserting himself as a witness in a trial
6 as both an attorney and a witness.

7 JUDGE KIRKLAND-MONTAQUE: But he's now
8 seeing -- based on what you said, he then is
9 going to say -- and correct me if I'm wrong --
10 that you guys created these Exhibits A
11 through F, same thing, and how do we know --

12 MR. BURZAWA: No, he refers to P, Q, R, S,
13 and that's a summary --

14 JUDGE KIRKLAND-MONTAQUE: No, but I
15 think --

16 MR. BURZAWA: -- summaries are allowable,
17 Judge. The only reason it's not allowable
18 because, admittedly, Mr. Barr may not have used
19 the proper procedure.

20 If a different witness created those
21 summaries, they would be allowable because
22 compilations of data -- you know, voluminous

1 data, you're allowed to present to the court as
2 a summary. And all you really --

3 JUDGE KIRKLAND-MONTAQUE: Via witness. Via
4 a witness --

5 MR. BURZAWA: Yeah, all you --

6 JUDGE KIRKLAND-MONTAQUE: We didn't have
7 a --

8 MR. BURZAWA: -- produce. And that was the
9 reason that those summaries were not admitted or
10 not being allowed to be used. But this is
11 something completely different. This is a
12 fabricated piece of evidence.

13 This document, this record, never
14 existed before prior to being altered and
15 created by Mr. Perl or somebody at his
16 direction.

17 All the summaries are -- that's what
18 they are, literally summaries of pre-existing
19 documents, voluminous compilations of data which
20 the Court specifically allows in the rules of
21 evidence granted if the proper foundation is
22 laid for them.

1 JUDGE KIRKLAND-MONTAQUE: I don't think he
2 was -- he mentioned both A through F and --

3 MR. BURZAWA: No, he didn't.

4 JUDGE KIRKLAND-MONTAQUE: Yes, he did.

5 MR. PERL: Yes, I did.

6 JUDGE KIRKLAND-MONTAQUE: We could read it
7 back.

8 MR. PERL: Judge --

9 MR. BURZAWA: But they weren't created by
10 Staff. They're public --

11 MR. PERL: Yes, they --

12 MR. BURZAWA: -- documents. They're
13 certified public documents, so how could he be
14 saying that they're created by Staff? They're
15 certified by Robert Morris, the custodian
16 of the --

17 MR. PERL: Actually, Scott Morris.

18 MR. BURZAWA: Scott Morris. I apologize.

19 JUDGE KIRKLAND-MONTAQUE: Regardless,
20 listen -- let's not -- those documents are in.

21 MR. PERL: Well, they're not in yet. Some
22 of them you haven't ruled on yet.

1 But here's the issue: Counsel says
2 that all four of those documents are fabricated.
3 He didn't read them closely. I know he didn't.
4 And maybe he's misspeaking for the hundredth
5 time. He always says, Well I must have
6 misspoke.

7 One of those is exactly what the MCIS
8 says. So if he looked at MCIS and it's wrong,
9 he's wrong because one of them is the exact
10 document they gave to us.

11 MR. BURZAWA: No, they're not. Those --

12 MR. PERL: Yes, it --

13 MR. BURZAWA: -- cancelation date missing.
14 There's a cancelation date missing, cancelation
15 date missing, cancelation date missing, and this
16 one is altered to reflect that it's an Indiana
17 Commerce Commission.

18 MR. PERL: So the point being, Judge, when
19 do I get to cross-examine the documents they
20 gave me in A through F?

21 I've been arguing all along I get to
22 cross-examine that person. So why don't

1 they -- I'll make this deal with counsel. Why
2 don't you bring in the person that created those
3 records because they didn't jump off the screen
4 themselves.

5 I know one thing, counsel wants to
6 tell you -- these are -- by the way, he keeps
7 using the word self-authenticating. That's a
8 big two words together. Show me the law where
9 it says that.

10 And he quotes the law again to you
11 today just now about self-authentication. There
12 is no such thing in this case as
13 self-authentication. Either you have someone to
14 testify or you don't, and they don't.

15 And what they're doing with
16 hide-the-ball is, I've been saying since day one
17 who is going to testify as to A through F.
18 Nobody.

19 All Scott Morris says is -- and
20 doesn't give a date or time of when he did
21 it -- is that this is what a screen looked like.
22 So what I've got for you to show you is, but the

1 screen's wrong at least 13 times.

2 And did Mr. Morris ever say to you,
3 by the way, Judge, in authentication, By the
4 way, I found 13 errors? No.

5 So when do I get to cross-examine
6 whoever created the documents? Because I can
7 tell you one thing for sure, A through F,
8 somebody created them. Whether they printed
9 them or not, I don't know.

10 But I don't think it was Scott Morris
11 because Scott Morris didn't say, I created these
12 documents. So my guess is he didn't. He says,
13 I compared them.

14 Read his certification. Somebody at
15 the ICC created those documents. They then gave
16 them to Mr. Morris to review. He does not say
17 he printed them or he created them because he
18 didn't. And they never produced anyone.

19 So when do I get to cross-examine the
20 person that created A through F? When does that
21 happen in this case --

22 JUDGE KIRKLAND-MONTAQUE: Okay, --

1 MR. BURZAWA: Judge --

2 MR. PERL: -- certification --

3 MS. REPORTER: Hold on.

4 (UNINTELLIGIBLE CROSSTALK)

5 MR. BURZAWA: Mr. Perl is conflating

6 what -- you know --

7 MR. PERL: -- big word.

8 MR. BURZAWA: -- true or correct, complete
9 copy of a public record and the accuracy.

10 All the certification does is say
11 that that's the information that's contained in
12 the public record. And Mr. Perl has
13 sufficiently raised an inference that that
14 information may not be accurate.

15 And I don't understand, you know,
16 that I have to cite every rule or law that I
17 refer to. This is a basic rule of evidence.
18 Rule 902, self-authentication, domestic public
19 documents under seal or certified copies of
20 public records.

21 As long as you have a certification,
22 they're presumptively admissible. Extrinsic

1 evidence of authenticity as a condition
2 precedent to admissibility is not required with
3 respect to the following: One, domestic public
4 documents under seal. A document bearing the
5 seal purporting to be that of the United States
6 or of any state, district, commonwealth,
7 territory, or in similar possession thereof or
8 the Panama Canal Zone or the Trust Territories
9 in the Pacific Islands or a political
10 subdivision, department, officer, agency,
11 thereof and a signature purporting to be an
12 attestation or execution.

13 And then you go down to four,
14 Certified copies of public records, a copy of an
15 official record or report or entry therein or a
16 document authorized by law to be recorded or
17 filed and actually recorded or filed in a public
18 office including data compilations in any form
19 certified as correct by the custodian or other
20 person authorized to make the certification by
21 certificate complying with Paragraph 1, 2, or 3
22 of this rule or complying with any statute or

1 rule prescribed by the Supreme Court.

2 Scott Morris certified that they are
3 true and correct according to 902 for a
4 certified copy of public record. So I don't
5 understand the argument that Mr. Perl keeps
6 making that I'm making up law or rules or not
7 citing to anything.

8 This is a basic rule of evidence,
9 Judge.

10 JUDGE KIRKLAND-MONTAQUE: I know that. I
11 know that --

12 MR. PERL: Hold on. Except that every time
13 he cites it, he says that it means they're
14 credible and reliable --

15 MR. BURZAWA: I never say that --

16 MR. PERL: -- which the rule is -- play
17 back --

18 MR. BURZAWA: -- self-authenticating --

19 MR. PERL: -- read back yesterday --

20 JUDGE KIRKLAND-MONTAQUE: All right. He
21 says he corrected it today. He said it doesn't
22 mean it's accurate --

1 MR. PERL: Well --

2 JUDGE KIRKLAND-MONTAQUE: -- that's what --

3 MR. PERL: -- that was --

4 JUDGE KIRKLAND-MONTAQUE: -- he did say
5 that.

6 MR. PERL: -- yesterday.

7 JUDGE KIRKLAND-MONTAQUE: Okay. Well --

8 MR. PERL: -- saying if it's accurate --

9 JUDGE KIRKLAND-MONTAQUE: -- we didn't --

10 MR. PERL: -- it's admissible.

11 JUDGE KIRKLAND-MONTAQUE: That's fine.

12 It's --

13 MR. BURZAWA: I said they're --

14 (UNINTELLIGIBLE CROSSTALK)

15 JUDGE KIRKLAND-MONTAQUE: It goes towards
16 admissible on the evidence --

17 MR. PERL: So let me ask you a question,
18 Judge: If something's admissible, does it mean
19 it's inherently reliable?

20 JUDGE KIRKLAND-MONTAQUE: No, and that's
21 the purpose --

22 MR. PERL: Because then I'll just --

1 MS. REPORTER: Stop --

2 (UNINTELLIGIBLE CROSSTALK)

3 JUDGE KIRKLAND-MONTAQUE: That's the
4 purpose of the hearing --

5 MR. PERL: Of course.

6 JUDGE KIRKLAND-MONTAQUE: -- dig into that.

7 MR. PERL: Of course.

8 JUDGE KIRKLAND-MONTAQUE: -- that's fine.

9 But let's go back to the -- we're
10 getting far from our starting point, which is --
11 but I'm somewhat at a loss because he has not
12 moved to admit those and you're specifically
13 referring to 23, 24, and 25, which I, by the
14 way, have not even seen --

15 MR. PERL: Right, because I haven't moved
16 to admitted them yet --

17 JUDGE KIRKLAND-MONTAQUE: Right.

18 MR. PERL: -- wouldn't see them unless I
19 do.

20 JUDGE KIRKLAND-MONTAQUE: Right. And your
21 objection is that he created those documents.

22 MR. BURZAWA: Yes, he created them and now

1 he's subjecting himself to examination as a
2 witness in this case.

3 MR. PERL: All right. Judge, when I move
4 to admit them, you can rule on it and maybe he
5 can make that objection, but I haven't moved to
6 admit them yet.

7 And I think counsel opens the door up
8 to now I want to depose and cross-examine the
9 individuals that created A through F. Whether
10 they're admissible or not, I want to
11 cross-examine that person.

12 JUDGE KIRKLAND-MONTAQUE: I think we're --
13 it's premature because if he moves to admit it,
14 he's going to have to address foundation and all
15 of that. So we have to get to there, and we
16 haven't gotten there yet.

17 Maybe he has a witness who can come
18 in, I don't know, but he hasn't moved to admit
19 them. And if he does, he would have to address
20 the foundation, which he hasn't. But we don't
21 know that at this point what he's planning on
22 doing.

1 So I think your objection is
2 premature until he makes a move -- motion to
3 admit the exhibits.

4 MR. PERL: I agree with you. Just like my
5 objection to A through F is admission is one
6 thing, credibility and reliability is another.

7 And they don't have any witness to
8 say to you it's credible or reliable. Just that
9 somebody looked at a screen and maybe, maybe,
10 compared the documents.

11 Which, by the way, on my argument,
12 I'll tell you he couldn't possibly have done
13 because it would have taken him a long time to
14 do it. Not just one day. You couldn't possibly
15 read all those documents in one day. He
16 certifies them.

17 But that again goes to my prior
18 arguments where I wanted to depose Scott Morris,
19 and I was told I can't because I didn't receive
20 his certification a week or two before the
21 trial. And I said I want to depose this guy
22 because I don't know what he did.

1 Here's what I found since then. The
2 documents he said he certified from the screen
3 aren't even accurate. By their own admission,
4 there's 13 or 14, at least, errors, which they
5 never pointed out in his certification of a
6 public record.

7 JUDGE KIRKLAND-MONTAQUE: All he certified
8 is that they're screen prints. I don't want to
9 go down that road because we've already been
10 there. Right now --

11 MR. PERL: He did not certify that he
12 created the documents or even knows who created
13 them.

14 MR. BURZAWA: It's not necessary for
15 certification according to the rule.

16 JUDGE KIRKLAND-MONTAQUE: All right.
17 We're --

18 MR. PERL: -- for cross-examination.

19 MR. BURZAWA: No, it's not.

20 JUDGE KIRKLAND-MONTAQUE: We're not going
21 debating -- we're not going back to that issue.
22 We're sticking with the issue presented by

1 Mr. Burzawa today. And I think the objection is
2 premature because you've not made any motion to
3 admit those exhibits.

4 So let's get going. Let's get the
5 witness back in.

6 (WHEREUPON, the witness re-entered the
7 room.)

8 JUDGE KIRKLAND-MONTAQUE: Go ahead
9 Mr. Perl.

10 MR. PERL: Thank you, Judge.

11 SERGEANT SULIKOWSKI,
12 called as a witness herein, having been
13 previously duly sworn, was further examined and
14 testified as follows:

15 CROSS-EXAMINATION

16 BY MR. PERL:

17 Q. Sergeant Sulikowski, if you recall,
18 yesterday we left off speaking about, in
19 general, Exhibits A through F of the Staff's
20 exhibit book; do you recall that?

21 A. Yes.

22 Q. And specifically we were talking

1 about, I believe, what Staff has labeled
2 as -- Exhibit C is printout of the Illinois
3 Commerce Commission Motor Carrier Information
4 System, correct?

5 A. Yes.

6 Q. And that's Staff's words for it,
7 printout, correct?

8 A. Yes.

9 Q. And at your deposition, we talked
10 about this printout, correct?

11 A. Yes.

12 Q. So I want to ask you one more time,
13 is the information on the screen that you look
14 at accurate?

15 MR. BURZAWA: Objection, asked and
16 answered.

17 MR. PERL: I didn't ask that exact
18 question --

19 MR. BURZAWA: He asked --

20 MR. PERL: -- said the documents yesterday.

21 JUDGE KIRKLAND-MONTAQUE: What are you
22 saying now?

1 MR. PERL: I asked him the information on
2 the screen just now. It's a different question.

3 I asked him about the exhibit he was
4 looking at yesterday, not the screen.

5 JUDGE KIRKLAND-MONTAQUE: Screen of what?

6 MR. PERL: Well, Staff labels Exhibit C
7 printout from Illinois Commerce Commission.

8 In his deposition, I talked to him
9 about the information on the screen that he was
10 looking at because --

11 JUDGE KIRKLAND-MONTAQUE: Where did --
12 where does it say printout?

13 MR. PERL: Exhibit C.

14 MR. BURZAWA: Certification --

15 MR. PERL: Says right there, Printout from
16 the Illinois Commerce Commission.

17 JUDGE KIRKLAND-MONTAQUE: I got you. Okay.

18 MR. PERL: If it's a printout, it must be
19 from a screen --

20 JUDGE KIRKLAND-MONTAQUE: Okay --

21 MR. PERL: -- from what they told me.

22 JUDGE KIRKLAND-MONTAQUE: I'm going to

1 allow it to keep things moving.

2 BY MR. PERL:

3 Q. I ask you one more time, is the
4 information on the screen that you look at
5 accurate?

6 A. I believe it to be.

7 Q. Do you recall in your deposition on
8 May 3rd being asked that exact same question,
9 question -- at Page 277, Line 23.

10 "So I ask you one more time" --

11 MR. BURZAWA: Objection, foundation,
12 improper impeachment.

13 MR. PERL: It's the exact same question I
14 asked him on direct. I'm impeaching because he
15 gave a different answer.

16 I don't know how else to do
17 impeachment. What you do is you ask the same
18 exact question you asked at the deposition and
19 you get an answer. If it's a different answer,
20 you ask the same exact question, you show him in
21 court what he asked, and you show him -- that's
22 called impeachment of a witness. How else do

1 you do it?

2 JUDGE KIRKLAND-MONTAQUE: I'm not aware of
3 Mr. Burzawa procedure for impeachment. Unless
4 you have something specific to refer me to.

5 MR. BURZAWA: It's the same way Mr. Perl
6 was attempting impeachment last time. He didn't
7 establish the foundation that there was a prior
8 inconsistent statement.

9 MR. PERL: First of all, it was the exact
10 same way, and you allowed it last time and --

11 JUDGE KIRKLAND-MONTAQUE: I allowed it --
12 the only thing I can think of is, If you recall
13 taking a deposition on such and such date, and I
14 don't know --

15 MR. PERL: That's what I'm about to do.

16 JUDGE KIRKLAND-MONTAQUE: Go ahead then.

17 Overruled.

18 MR. PERL: That's what I was saying.

19 BY MR. PERL:

20 Q. Do you recall giving your deposition
21 on May 3rd, 2017?

22 A. Yes.

1 Q. Do you recall being asked the
2 following question and giving the following
3 answer:

4 "So I ask you one more time, is the
5 information on this screen that you look at
6 accurate?

7 "ANSWER: No."

8 Do you recall that?

9 A. I do not.

10 MR. PERL: Judge at this point in time,
11 since he has it, I would like to introduce --
12 not into evidence but to show the tribunal and
13 this witness the question and answer from his
14 deposition. Maybe we could refresh his
15 recollection.

16 BY MR. PERL:

17 Q. Is there anything I could show you to
18 refresh your recollection?

19 A. Yes.

20 Q. Would a deposition transcript do
21 that?

22 A. Yes.

1 MR. BURZAWA: Where is that? Where is that
2 question and answer?

3 MR. PERL: It's actually Exhibit 22 to our
4 hearing binder.

5 MR. BURZAWA: What page, line?

6 MR. PERL: Page 277, Line 23 into Page 278
7 Lines 1 and 2 and Exhibit 22.

8 JUDGE KIRKLAND-MONTAQUE: Page what again?

9 MR. PERL: Page 277. Starts at Line 23 at
10 the bottom and bleeds onto Page 278, Lines 1
11 and 2.

12 JUDGE KIRKLAND-MONTAQUE: Okay.

13 BY MR. PERL:

14 Q. Take a look at Page 277, the very
15 bottom.

16 A. Okay.

17 Q. So does this refresh your
18 recollection?

19 A. Yes.

20 Q. So do you recall now being asked the
21 question:

22 "So I ask you one more time, is the

1 information on this screen accurate?" And
2 giving the answer no?

3 A. I recall that.

4 Q. Was that --

5 MR. BURZAWA: I'm going to object. That's
6 an incomplete introduction of -- there's a rule
7 of completeness, and Mr. Perl needs to include
8 everything that was included.

9 The testimony here from the discovery
10 deposition, Sergeant Sulikowski is testifying to
11 a specific entry, and I -- yet unidentified
12 exhibit during the discovery deposition.

13 So he's talking about a specific
14 entry, not about the general information
15 contained in the system. So it's improper
16 impeachment.

17 MR. PERL: What I would like to do then,
18 Judge -- and I kind of anticipate counsel
19 stating that -- what I will do for this court,
20 it won't take more than two minutes or so I will
21 read every single question and answer leading up
22 to that because you think you need to hear what

1 the witness stated and how he came to the
2 conclusion that the information on the screen
3 wasn't accurate.

4 Because it wasn't just one question,
5 counsel is correct, I went through probably 10
6 or 15 questions about him about this 1899 thing
7 until he finally agreed with me the information
8 on the screen just isn't inaccurate. Not just
9 one thing isn't inaccurate; the information on
10 the screen isn't accurate.

11 So if the court would indulge me -- I
12 guess counsel wants me to do it -- I can go
13 through that really quickly. I can even show
14 the witness that.

15 I think there's only 10 or 12
16 questions, and I'm happy to do that.

17 JUDGE KIRKLAND-MONTAQUE: Where would it
18 start? Just for my information.

19 MR. PERL: Page 272. What had happened
20 was, I basically was finished with the witness
21 and I tendered the witness to Commerce
22 Commission counsel. Commerce Commission counsel

1 then attempted to rehabilitate him regarding the
2 information.

3 So then I crossed him on it. And I
4 crossed him on it until I finally got him to
5 admit the information on the screen -- because
6 at the time, your Honor, you need to understand,
7 this witness, it's not clear -- it's not clear
8 to me or this tribunal yet when he determined
9 these inaccuracies -- inconsistencies, I'm
10 sorry, inconsistencies.

11 It's not clear whether he was looking
12 at the computer when he did it or paper.
13 Because sometimes -- and I'm not -- I think he's
14 being truthful about it. The problem is,
15 sometimes he was looking at a screen, and
16 sometimes he was looking at a piece of paper.

17 So when I was going through my
18 cross-examination -- redirect of him in the dep,
19 it wasn't really clear. He clarified it that he
20 was looking at the screen. He had never even
21 seen the exhibit before that day, before the
22 deposition.

1 So it's a little bit wishy-washy, and
2 I'll make the argument later, but Exhibits A
3 through F, which we called 2 through 7 at the
4 dep, only one or two had he seen before.

5 The other ones he said, I've never
6 seen those before today because I was looking at
7 the screen, not at the documents.

8 So then I questioned him about the
9 screen to the point where he finally said the
10 information on the screen isn't inaccurate.
11 Because I went through every single one. I went
12 through Bobby Gene Hall (phonetic), 1899; John
13 Spohrer (phonetic), 1899; Andrew Dema
14 (phonetic), 1899; Jack Hatfield (phonetic),
15 1899; William Hunter (phonetic), 1899; Steven
16 Bieniek, B-i-e-n-i-e-k, 1899; Leonard Hayes
17 (phonetic), 1899.

18 Finally to the point where I
19 said -- leading up to this question, I said,
20 Keep going down. That's all the information is
21 incorrect, isn't it? Those dates are.

22 And then I said, Well that's

1 definitely incorrect, right? The dates are
2 definitely incorrect. Nobody that's working at
3 Lincoln got activated in 1899, did they? No.
4 And this is the same information screen that you
5 looked at that you relied upon to make the
6 determinations, isn't it? Yes.

7 MR. BURZAWA: Again, that's referring to
8 individual entries --

9 MR. PERL: Question --

10 MR. BURZAWA: -- not the information in
11 general --

12 MR. PERL: Questions -- no, that's not.
13 Look at the next question. Yet, you did no
14 investigation to make sure the information you
15 looked at was accurate, did you? I've already
16 answered that yes, so I ask you one more time is
17 the information on the screen that you look at
18 accurate?

19 ANSWER: No.

20 Not just one thing. The information
21 on the screen isn't inaccurate because it isn't.
22 You can't say to somebody 13 times it's --

1 MR. BURZAWA: It's taken out of context.

2 It's --

3 MR. PERL: It's not --

4 MR. BURZAWA: -- entries --

5 JUDGE KIRKLAND-MONTAQUE: The point is --

6 MR. PERL: It's not --

7 MS. REPORTER: Stop --

8 (UNINTELLIGIBLE CROSSTALK)

9 JUDGE KIRKLAND-MONTAQUE: Listen, your
10 objection was that you needed all this
11 information to better understand.

12 MR. BURZAWA: Yeah, and now that it's in,
13 it's clearly not impeaching because he's taking
14 one statement out of context. And that last
15 statement is referring to individual entries
16 that were inaccurate.

17 MR. PERL: Judge --

18 JUDGE KIRKLAND-MONTAQUE: How do you know
19 that?

20 MR. BURZAWA: Because that's a reasonable
21 inference --

22 JUDGE KIRKLAND-MONTAQUE: Oh, you have to

1 infer --

2 MR. BURZAWA: -- follows --

3 JUDGE KIRKLAND-MONTAQUE: -- if you have to
4 infer, it's questionable and he has a right
5 to --

6 MR. PERL: I think, Judge, what really
7 happens in the case is, we make all this
8 arguments here in court today, and I think it's
9 improper for counsel to tell you what you're
10 going to infer from it. So you will make an
11 inference, not me, not counsel as to what you
12 believe.

13 Clearly counsel is wishing it says
14 something else. And, by the way, I stopped the
15 deposition dead right then. And counsel for
16 Commerce Commission never said, Oh, by the way,
17 did you mean just one thing? She never said
18 another word. She left it there.

19 So this deposition can only be one
20 inference. He said the information on the
21 screen was not accurate. He didn't say that one
22 date wasn't accurate.

1 Because what they're doing now and
2 getting cute is -- and I can't get
3 attorney-client conversations, but now he's
4 trying to say, well, that information is not
5 correct, but the other one might be.

6 But then when I say to him on direct
7 yesterday what information on here is correct,
8 he says, Well, I don't know.

9 So if you don't know if anything is
10 correct but you do know the stuff isn't correct,
11 then it's not accurate. You can't say it's
12 accurate if you don't even know.

13 But in this particular deposition,
14 clearly I would defy counsel to show me where he
15 says just the date wasn't correct. In the
16 beginning he tries to say that, and then when I
17 show him 13 times, he finally says, You're
18 right, the information on the screen isn't
19 accurate. Done with the deposition.

20 Mr. Barr and Ms. Pocari were both
21 there -- and, by the way, they both questioned
22 and crossed him at various time. Neither one of

1 them felt it prudent to rehabilitate at the time
2 and say, What do you mean by that? He really
3 meant the information on the screen wasn't
4 accurate, anybody would. When we come to the
5 hearing today whoever else he confers with --

6 MR. BURZAWA: Judge --

7 MR. PERL: -- can infer what you want to.
8 That's why I'm impeaching him now because at the
9 time of his dep, nobody talked to him about it.

10 You can infer whatever you want
11 today. That's what it says in the deposition.
12 Counsel asked for it, and he got it. He might
13 not like it, but those are the questions that
14 came out. And counsel wasn't at the deposition.

15 JUDGE KIRKLAND-MONTAQUE: All right.
16 Cutting it now. Your objection, I think, is
17 addressed because he did read the information
18 from the previous deposition. I am going to
19 allow you to continue.

20 MR. PERL: And I move to admit Exhibit 22.

21 MR. BURZAWA: What's Exhibit 22?

22 MR. PERL: That's the discovery deposition

1 transcript of Sergeant Sulikowski which this
2 court will need to read. If you want me to read
3 it in full, that's fine. If you --

4 MR. BURZAWA: There's no basis to read it
5 in full. Discovery depositions are only
6 admissible for purposes of impeachment. So the
7 entire deposition is not admissible. Those
8 statements are admissible for the purposes of
9 this examination so if -- you must be admitted,
10 only those experts can be admitted. But I don't
11 think that's necessary because the entire
12 transcript is already read into the record.

13 MR. PERL: I move to admit --

14 JUDGE KIRKLAND-MONTAQUE: Pages --

15 MR. PERL: -- portion, but I thought
16 counsel would object because he wants the whole
17 thing in.

18 JUDGE KIRKLAND-MONTAQUE: What pages?

19 MR. PERL: All right. I move to admit
20 Pages 272 through 278.

21 And, for the record, Judge, I thought
22 counsel would want the complete transcript in,

1 but that's okay.

2 JUDGE KIRKLAND-MONTAQUE: You said 272
3 through what?

4 MR. PERL: 278.

5 JUDGE KIRKLAND-MONTAQUE: Any objection to
6 that?

7 MR. BURZAWA: Well, Judge, discovery
8 depositions are admissible for impeachment
9 purposes, but the actual deposition itself is
10 only admissible if the witness denies that they
11 took the deposition and there's a question of
12 whether or not those statements were made.

13 The witness already conceded that
14 those statements were made, that he was at the
15 deposition. The deposition is read into the
16 record, so there's no need for it.

17 JUDGE KIRKLAND-MONTAQUE: No need for what?

18 MR. BURZAWA: To introduce the actual copy
19 of the deposition.

20 JUDGE KIRKLAND-MONTAQUE: I'm going to need
21 it to refer to it later. So I think there is a
22 need for it.

1 And so you're saying -- he was just
2 going to offer the whole thing. He's not, he's
3 going to offer the pages that he did refer to.
4 And, who knows, he could have made a mistake
5 reading it just now so --

6 MR. PERL: Here's the reason I wanted to
7 admit the whole thing. I don't want counsel
8 later to state that I didn't tell the whole
9 story. That's why I said --

10 MR. BURZAWA: I can do that on
11 rehabilitating the witness, but, as always,
12 there's inadmissible material in the discovery
13 deposition.

14 JUDGE KIRKLAND-MONTAQUE: Okay.

15 MR. BURZAWA: So at this point there's no
16 need to introduce the entire thing. If I need
17 to rehabilitate the witness later, I can do
18 that.

19 JUDGE KIRKLAND-MONTAQUE: So I'm going to
20 admit from Exhibit 22 of Lincoln Towing's list
21 of exhibits deposition of officer -- not the
22 entire deposition, but the deposition -- what's

1 the date?

2 MR. PERL: May 3rd, your Honor.

3 JUDGE KIRKLAND-MONTAQUE: Taken on
4 May 3rd --

5 MR. PERL: Of 2017.

6 JUDGE KIRKLAND-MONTAQUE: 2017, Pages 272
7 through 278.

8 MR. PERL: Thank you, your Honor.

9 JUDGE KIRKLAND-MONTAQUE: Regarding
10 exhibits, while we're talking about it,
11 Exhibit 27, did you give me a copy of that to be
12 marked?

13 MR. PERL: No, I didn't. We did admit it
14 and I didn't give you a copy of it because we
15 only had one copy. So I'll give you a duty of
16 that today.

17 JUDGE KIRKLAND-MONTAQUE: All right.

18 MR. PERL: As well with counsel. I don't
19 believe I gave counsel a copy of Exhibit 27.

20 MR. BURZAWA: The contract summary form?

21 MR. PERL: Did I give you one?

22 MR. BURZAWA: I don't think so.

1 MR. PERL: So I'll give -- I'll make sure I
2 take care of that today. I think we only had
3 one copy yesterday.

4 JUDGE KIRKLAND-MONTAQUE: Okay. Make sure
5 I get a copy.

6 MR. PERL: I will.

7 I'm sorry, Judge, are you ready? I'm
8 ready.

9 JUDGE KIRKLAND-MONTAQUE: I was waiting for
10 you.

11 MR. PERL: Okay.

12 BY MR. PERL:

13 Q. Sergeant Sulikowski, do you know who
14 Scott Morris is?

15 A. Yes.

16 MR. BURZAWA: Objection, irrelevant.

17 JUDGE KIRKLAND-MONTAQUE: Overruled.

18 BY MR. PERL:

19 Q. Who is Scott Morris?

20 A. The head of the processing division
21 in Springfield.

22 Q. He's what?

1 A. The head of processing in
2 Springfield.

3 Q. Do you know what his duties and
4 responsibilities are at the Commerce Commission?

5 A. No.

6 Q. You said head of processing. Do you
7 know what that means?

8 A. I have my opinion of what that means.

9 Q. Do you --

10 A. -- specifically?

11 Q. -- specifically what that means?

12 A. I do not.

13 Q. Have you ever spoken to Scott Morris?

14 A. Yes.

15 Q. Specifically about this case?

16 A. No.

17 Q. When was the last time you spoke to
18 him, just in general?

19 A. A week ago.

20 Q. But not about this case?

21 A. No.

22 Q. Do you know whether or not Scott

1 Morris reviewed Exhibits A through F?

2 A. No, I do not.

3 MR. BURZAWA: Objection, irrelevant.

4 This -- whether -- the sergeant's knowledge of
5 what Scott Morris did in preparation for
6 certifying these documents is irrelevant.

7 The certification speaks for itself.

8 MR. PERL: Actually, I like when attorneys
9 say that because documents don't actually speak
10 at all. You need witnesses to testify,
11 otherwise we wouldn't have anybody here today.

12 JUDGE KIRKLAND-MONTAQUE: I know but --

13 MR. BURZAWA: Judge, can we --

14 MR. PERL: -- for itself. That's why we
15 have cross-examination, trials, and
16 depositions --

17 MR. BURZAWA: The certification as an
18 attestation actually does speak. It's an
19 affidavit signed under seal, and it's allowed
20 for under the rule.

21 It's in lieu of having to come into
22 court and lay a foundation for these documents,

1 which is allowed by the rule because the courts
2 recognize that public documents are reliable.

3 So that's why they created the
4 shortcuts, an automatic self-authentication, and
5 that's what the certification is. So all it's
6 saying is that that's a public -- a copy of the
7 public document.

8 You know, again, it's saying it's a
9 true copy of the information that's contained in
10 the public record, not necessarily that it's
11 accurate. If I said that before, I misspoke.

12 But -- so they're -- Sergeant
13 Sulikowski's knowledge about what Robert Morris
14 did is irrelevant.

15 MR. PERL: I'm not -- but, see, that would
16 be if I'm arguing against its admissibility
17 right now, which I'm not.

18 At the point in time I say it's not
19 admissible, counsel can make that exact argument
20 and he might prevail.

21 I'm asking questions of this witness
22 because there's no one else here to testify what

1 Mr. Morris did because I wasn't allowed to
2 depose him.

3 All I'm trying to get at -- and I'll
4 tell you why I'm doing it. It appears to me if
5 Scott Morris had actually reviewed the records,
6 he might have told somebody, Hey, by the way,
7 guys, there's 15 different times it says 1899,
8 and it can't be possible.

9 So I'm asking this witness some
10 questions, not a lot of questions but I think
11 I'm allowed to ask -- because, this is the only
12 witness they're presenting to establish
13 reliability or credibility of the documents.

14 Admissibility, as counsel just
15 finally told you -- although he did say
16 reliable. The rules don't say reliable; the
17 rules say admissible. There's nowhere in the
18 rules that say they then are reliable. Counsel
19 misspoke again.

20 Just because a document is admissible
21 doesn't make it reliable or credible. What I'm
22 trying to do now in cross-examination is show

1 this court that they weren't credible and
2 reliable because the very individual who
3 certifies that he --

4 MR. BURZAWA: He doesn't certify that he
5 reviewed them --

6 MR. PERL: -- true complete.

7 (UNINTELLIGIBLE CROSSTALK)

8 MR. PERL: I'm not finished. That's not my
9 argument. I'm allowed to ask questions of a
10 witness.

11 I'm not trying to admit a document or
12 argue it shouldn't be admitted. That's going to
13 be at a later time when the trial ends. We can
14 argue about that later.

15 I'm questioning the one and only
16 witness they have in the world who has anything
17 to say about Exhibits A through F. I have
18 no one else here. So if counsel wants to
19 present to me a different witness I can
20 question, I will, but there is none.

21 And to say that a document speaks for
22 itself is inaccurate. No document speaks for

1 itself. All this document says, if it says
2 anything, is he certifies that it's a true and
3 accurate copy of the following.

4 But that doesn't tell you anything.
5 I'm asking this witness simple questions, Do you
6 know if he looked at the screen before doing it,
7 yes or no? If he doesn't know, he doesn't
8 know -- most likely he's going to say I don't
9 know, I've never spoken to Scott about it and I
10 don't know if he read anything or not anyway.

11 Which, again, it's not the basis for
12 overruling the objection. But it's now 11:00.
13 We spent 35 minutes on one objection of theirs.
14 Every one of my questions is going to be
15 objected to like it was yesterday --

16 JUDGE KIRKLAND-MONTAQUE: No. No. No.

17 MR. PERL: -- get done.

18 JUDGE KIRKLAND-MONTAQUE: I'm trying to
19 understand the relevance questions. The point
20 you're trying -- you already established he
21 didn't print it out, the witness didn't create
22 this, so -- and now you're trying to

1 establish --

2 MR. PERL: Here's what I'm trying to
3 establish: Nobody at the Commerce Commission,
4 including the attorneys, actually read these
5 things through because, had they, they would
6 have seen 1899 15 times. And the other guy who
7 is licensed couldn't have been proved twice.
8 They would have all known that.

9 And you would think, you would think,
10 Judge, at one point in time either this witness
11 or Scott Morris or counsel would have raised the
12 issue that, yeah, they're not accurate. They
13 say 1899, but here's why.

14 They don't do that. They don't
15 present one witness to you trying to explain to
16 you how you get 1899 on a document 12 times and
17 then try to use it in a court proceeding that
18 it's actually reliable, which it can't be at
19 that point.

20 So I'm trying to establish through
21 this one and only witness if he knows whether
22 Scott Morris actually read anything because I'm

1 going to make a supposition to you in argument
2 that Scott Morris never did anything other than
3 sign a document. He they said to him, Sign this
4 and he did. That's going to be my argument to
5 you. You can believe it or not.

6 JUDGE KIRKLAND-MONTAQUE: But I --

7 MR. PERL: -- read these things, he might
8 have raised because if I was Scott Morris and I
9 actually read everything, which he couldn't have
10 done, if I actually read everything, I would
11 have said, Hey, wait a second guys, 15 times you
12 say this individual started working at Lincoln
13 in 1899. We might want to, one, correct the
14 screen before we do anything, which they didn't
15 do --

16 JUDGE KIRKLAND-MONTAQUE: Listen --

17 MR. PERL: -- me to believe he didn't read
18 it.

19 JUDGE KIRKLAND-MONTAQUE: That's an
20 argument you can make later but --

21 MR. PERL: I'm trying --

22 MR. BURZAWA: You don't --

1 (UNINTELLIGIBLE CROSS-TALK)

2 MR. BURZAWA: -- them. They're improper
3 questions.

4 JUDGE KIRKLAND-MONTAQUE: They're improper
5 because?

6 MR. BURZAWA: They're irrelevant.

7 MR. PERL: Or he doesn't like the answer.
8 Maybe that's why they're improper.

9 JUDGE KIRKLAND-MONTAQUE: No. No. No.

10 MR. BURZAWA: They're irrelevant. This
11 witness has no personal knowledge of what Scott
12 Morris did in relation to these certifications,
13 and the certifications, the rule doesn't require
14 a review.

15 JUDGE KIRKLAND-MONTAQUE: Right, but
16 that --

17 MR. BURZAWA: -- certified --

18 MR. PERL: That's a different issue. But
19 that's for admissibility --

20 JUDGE KIRKLAND-MONTAQUE: I understand --

21 MR. PERL: -- credibility. I'm attacking
22 credibility, not admissibility.

1 So counsel just said to you this
2 witness has no idea what Scott Morris does.
3 Well, I know the other three don't either. So I
4 know that Officer Strand has no idea, I know
5 that Sergeant -- Investigator Kassal has no
6 idea, and Officer Geisbush has no idea because
7 they didn't present them for this.

8 JUDGE KIRKLAND-MONTAQUE: All right.
9 All right.

10 MR. PERL: -- they are, I'm asking him a
11 question.

12 Again, this doesn't go towards
13 admissibility. It goes to credibility and
14 reliability. I'm allowed to attack that because
15 you told me I was.

16 JUDGE KIRKLAND-MONTAQUE: I'm going to
17 overrule. Keep these succinct and --

18 MR. PERL: I would have been done ten
19 minutes ago.

20 JUDGE KIRKLAND-MONTAQUE: I know. Go
21 ahead.

22

1 BY MR. PERL:

2 Q. Do you know whether or not Scott
3 Morris viewed any of the documents contained in
4 A through F before he certified them?

5 A. No.

6 Q. Do you know whether Scott Morris
7 reviewed the screen at MCIS with the information
8 in A through F before he certified the
9 documents?

10 A. No.

11 Q. Do you believe that if Scott Morris
12 had actually reviewed the documents or the
13 screen, he would have raised the issue to
14 somebody that at least 14 or 15 times there's
15 inconsistencies like the year 1899 on them?

16 MR. BURZAWA: Objection, speculation,
17 improper opinion.

18 JUDGE KIRKLAND-MONTAQUE: Sustained.

19 BY MR. PERL:

20 Q. Do you know whether or not Scott
21 Morris actually raised the issue that the year
22 1899 presents itself 12 or 13 or 14 times on

1 Exhibits A through F?

2 A. I do not.

3 Q. Do you have any documentation with
4 you here today to show that he did raise those
5 issues?

6 A. I don't.

7 Q. Is Scott Morris an investigator for
8 the Illinois Commerce Commission, as far as you
9 know?

10 A. For the police section?

11 Q. Well, is -- can you be an
12 investigator for another section?

13 A. Not to my knowledge.

14 Q. So if I'm asking about as an
15 investigator, I'm saying in general, is he an
16 investigator for the Illinois Commerce
17 Commission?

18 A. He -- Scott Morris does not work for
19 me as an investigator in the police section. I
20 don't know what his duties entail in
21 Springfield.

22 Q. If he were an investigator for the

1 Illinois Commerce Commission wouldn't he have to
2 be working for you? If he had the title
3 investigator.

4 A. I don't believe that's true. I
5 believe we may have railroad investigators which
6 work for separate divisions.

7 Q. Is Scott Morris an investigator for
8 the relocation towing?

9 A. No.

10 Q. To your knowledge, has Scott Morris
11 ever investigated a citation for relocation
12 towing?

13 A. No.

14 MR. PERL: So, Judge, what I'm going to try
15 to do now, what we discussed yesterday, is I'm
16 going to try to go through, instead of each and
17 every tow or operator issue -- or inconsistency
18 that they tried to raise in their Exhibits A
19 through F, I'm going to try to do in a summary
20 form, if it works, in terms of asking the
21 witness certain questions, and then when he
22 responds to a particular address, if they would

1 be the same for everything else on that address.

2 I'll see if I can make that work
3 because it probably would cut five to six hours
4 off of this testimony.

5 JUDGE KIRKLAND-MONTAQUE: All right. Well,
6 give it a try.

7 MR. PERL: Otherwise, it would be the same
8 thing for every single one.

9 JUDGE KIRKLAND-MONTAQUE: Well, we'll try
10 and see if it works.

11 BY MR. PERL:

12 Q. Sergeant Sulikowski, do you
13 remember -- or do you recall on direct
14 examination you were asked a series of questions
15 regarding comparing Exhibits A through F to
16 Lincoln Towing 24-hour tow sheet? Do you recall
17 that?

18 A. Correct. I read the report.

19 Q. So you looked at the report -- and
20 we'll pull out that exhibit, which it was -- and
21 it's accurate to state that just looking at the
22 report, you can't garner anything, correct?

1 A. I was only reading the report.

2 Q. Right. But if I showed you a
3 document from Exhibit A and didn't show you a
4 24-hour tow sheet when a tow occurred, you
5 wouldn't know anything -- you wouldn't know if
6 there was a violation or an inconsistency -- you
7 wouldn't know about an inconsistency?

8 A. Correct.

9 Q. Because you only testified to the
10 inconsistencies, correct?

11 A. Correct.

12 Q. Not violations or anything else?

13 A. Yes.

14 Q. So you wouldn't know if there was an
15 inconsistency from anything in Exhibits A, B, C,
16 D, E, or F without looking at something else?

17 A. Yes.

18 Q. And do you recall going back and
19 forth being shown a document from Exhibit A,
20 which is the -- appears -- which Commerce
21 Commission just put forth as contract listings
22 by property from MCIS?

1 A. Yes.

2 Q. So what I'm going to try to do is
3 come back to you with Exhibit A.

4 And ours might have gotten mixed up,
5 but I believe the first lot that was discussed
6 at your initial testimony was 111 South Halsted.

7 JUDGE KIRKLAND-MONTAQUE: Off the record.

8 (WHEREUPON, discussion was
9 had off the record.)

10 BY MR. PERL:

11 Q. So, Sergeant Sulikowski, let's look
12 at Exhibit B, not exhibit A.

13 A. Yes.

14 Q. And can you say that the very first
15 page says 111 South Halsted Street, Chicago?

16 A. Yes.

17 Q. Now, I believe that on direct
18 examination at your prior testimony, you were
19 asked to take a look at this Page 1, correct?

20 A. I don't recall which order it was in.

21 Q. At some point you looked at this?

22 A. Sure. Yes.

1 Q. And you then saw some dates that were
2 entered on Page 1, correct?

3 A. Yes.

4 Q. And then you looked at a Lincoln
5 Towing 24-hour tow sheet, correct?

6 A. Yes.

7 Q. And you determined that you believe
8 from the documents there was some
9 inconsistencies?

10 A. Yes.

11 Q. So let me just show you this one and
12 the 24-hour tow sheet, which is Exhibit J and K.
13 So let'S take a look at Exhibit J.

14 And Exhibit J -- now, Exhibit J,
15 which was -- in Commerce Commission's trial
16 book, it's not -- I'm sorry, it is
17 Bates-stamped. So it's 00002.

18 Can you see that entry almost second
19 to last from the bottom, 111 South Halsted,
20 correct?

21 A. Yes.

22 Q. This is a Lincoln Towing document,

1 correct?

2 A. Correct.

3 Q. Not something you created?

4 A. No.

5 Q. And you don't know whether it's
6 accurate or not?

7 A. No.

8 Q. You looked at this Exhibit J --

9 A. And the date.

10 Q. -- and date, which is July 24, 2015?

11 A. Correct.

12 Q. Then you looked back at Exhibit B?

13 A. Yes.

14 Q. And you saw that 111 South Halsted --

15 A. Yes.

16 Q. -- shows a contract entered 4/30/2016
17 for Protective Parking --

18 A. 4/3.

19 Q. 4/3/2016?

20 A. Correct.

21 Q. And from that I believe you stated
22 you saw there was an inconsistency, correct?

1 A. Yes.

2 Q. Now, you don't know whether or not
3 Lincoln Towing actually had a contract on
4 July 24th, 2015 for 111 South Halsted, do you?

5 A. No.

6 Q. And you didn't check anywhere to make
7 that determination, did you?

8 A. No.

9 Q. You didn't contact the lot owner,
10 Teddy Baric, B-a-r-i-c-, did you?

11 A. No.

12 Q. And that's who it says on Exhibit B
13 is the owner of the lot at 111 South Halsted,
14 correct?

15 A. Yes.

16 Q. And, actually, there's even a phone
17 number for the owner, correct?

18 A. Yes.

19 Q. So you didn't do any investigation to
20 determine whether or not Lincoln Towing had a
21 contract for that lot at 111 South Halsted,
22 correct?

1 A. Yes.

2 Q. As a result of your not doing any
3 investigation to determine whether or not
4 Lincoln had a contract, you don't know whether
5 or not this inconsistency means that Lincoln
6 Towing towed from a lot they don't have a
7 contract, do you?

8 I mean, isn't it just as likely the
9 inconsistency is because the Commerce Commission
10 has the information incorrect?

11 MR. BURZAWA: Objection, speculation.

12 BY MR. PERL:

13 Q. Or is it?

14 JUDGE KIRKLAND-MONTAQUE: I'm sorry,
15 what -- I was looking at the document. What was
16 your question?

17 MR. PERL: Why don't I rephrase the
18 question.

19 JUDGE KIRKLAND-MONTAQUE: Okay. Do that.

20 BY MR. PERL:

21 Q. Based upon these documents, you're
22 only saying there's an inconsistency, correct?

1 A. Yes.

2 Q. You have no opinion as to whether or
3 not Lincoln Towing violated any ICC rules as a
4 result, do you?

5 A. No.

6 Q. Because prior to today -- I think
7 yesterday you testified under oath, before you
8 could do that, you need to do an investigation,
9 correct?

10 A. Yes.

11 Q. And no investigation was done,
12 correct?

13 A. Correct.

14 Q. And if I went through every single
15 one of these so-called inconsistencies from
16 Exhibit B, the 24-hour tow sheet, and I asked
17 you the following questions: Do you know
18 whether or not Lincoln Towing actually had a
19 contract on those days with that lot
20 specifically?

21 A. The answers would all be the same.

22 Q. Okay. So you don't know, correct?

1 A. Correct.

2 Q. And you didn't do any investigation,
3 correct?

4 A. Correct.

5 Q. And you don't know whether or not
6 that implies any violations by Lincoln Towing,
7 correct?

8 A. Yes.

9 Q. There are other documents in
10 Exhibit B that show on the sheet itself other
11 entities have a contract for a lot on a date and
12 time in question that Lincoln Towing towed from;
13 do you recall that?

14 A. Yes.

15 Q. Did you ever attempt to call, let's
16 say, for example, Rendered Services -- you know
17 who they are, correct?

18 A. Yes.

19 Q. Some of these showed Rendered
20 Services had the contract?

21 A. Yes.

22 Q. Did you call Rendered Services to

1 determine if they actually had a contract?

2 A. No.

3 Q. Now, did Rendered Services, to your
4 knowledge, ever call ICC or contact the ICC
5 about any of these dates and times in question
6 during the relevant time period to tell the ICC,
7 We had a contract there, but Lincoln Towing's
8 towing from it?

9 A. I'm not aware of that.

10 Q. You're not, are you?

11 A. No.

12 Q. And you have no documentation to show
13 that, correct?

14 A. No.

15 Q. So you've been doing this for five
16 and a half years now?

17 A. Yes.

18 Q. And you're the head of the police and
19 the investigations for the Commerce Commission
20 relocation towing, correct?

21 A. Yes.

22 Q. In all your experience and knowledge,

1 do you believe that if Lincoln Towing was
2 actually towing from a lot that Rendered
3 Services had a contract on, wouldn't Rendered be
4 complaining to the Commerce Commission?

5 A. Possibly.

6 Q. Well, let me ask you this: During
7 the relevant time period of all these tows in
8 question, if, in fact, Lincoln Towing was towing
9 from the lot where they didn't have a contract,
10 the owner of the lot never complained to the
11 ICC, did they?

12 A. Not that I'm aware of.

13 Q. The alleged other towing entity that
14 had a contract didn't complain, did they?

15 A. Not that I'm aware of.

16 Q. The people who were parked there
17 never claimed that Lincoln didn't have a
18 contract, did they?

19 A. Not that I'm aware of. They wouldn't
20 know that.

21 Q. Because they wouldn't know that.
22 Correct.

1 Wouldn't you think that an owner of a
2 building would know who he's contracted with to
3 tow from his lot?

4 A. Yes.

5 Q. And wouldn't you think that an owner
6 of a building, if they actually did cancel
7 Lincoln Towing legitimately, would make sure the
8 Lincoln Towing signs are down and Lincoln's not
9 still towing from his lot?

10 A. I've seen cases where it's not.

11 Q. But in general, if it's a lot that's
12 active and the owner of the lot cancels Lincoln
13 and hires Rendered Services, Rendered would
14 come, take down the Lincoln signs, and put up
15 the rendered signs, correct?

16 A. Yes.

17 Q. Rendered Services is in business to
18 make money, correct?

19 A. Yes.

20 Q. So if they actually get a lot that
21 was a Lincoln lot, they're going to get over
22 there and they're going to put their signs up,

1 correct?

2 A. Yes.

3 Q. And then the person parks illegally,
4 they're going to see the Rendered sign, not the
5 Lincoln sign, correct?

6 A. Yes.

7 Q. Okay. And in any of those hypothesis
8 I gave you, did anybody complain to you during
9 the relevant time period that Lincoln Towing
10 improperly towed their car from any of these
11 lots?

12 A. Not that I'm aware of.

13 Q. But you would think that one of these
14 would, wouldn't you? At least one of them would
15 during the relevant time period if it actually
16 was accurate.

17 If the information on MCIS was
18 actually accurate, you would think somebody
19 would be complaining, wouldn't you?

20 A. Yes.

21 Q. And you don't have any knowledge of
22 that today, do you?

1 A. No.

2 Q. If I were to go through -- I think
3 this was broken up in terms of lot addresses.
4 One Exhibit had 4601 West Armitage?

5 A. Yes.

6 Q. The other one as 4882 North Clark?

7 A. Yes.

8 Q. So if I were to go through all of
9 those exhibits -- I believe it's A and B -- your
10 answers would be the same, correct?

11 A. Yes.

12 Q. No different from one lot to the
13 other, correct?

14 A. No.

15 Q. Nobody ever complained that Lincoln
16 Towing was improperly towing a vehicle from
17 a lot regarding these tows, correct?

18 A. Yes.

19 Q. And, in fact, in not one of these
20 tows you testified to on direct was -- was there
21 a citation ever written, was there?

22 A. No.

1 Q. And not one of them was there even an
2 investigation opened, was there?

3 A. No.

4 Q. So I'm just going to briefly go
5 through the addresses of the lots from Exhibit B
6 and get them on the record.

7 We just went through 111 South
8 Halsted, correct?

9 A. Yes.

10 Q. If I asked you the same questions or
11 substantially the same questions for 225 North
12 Columbus, which is Page 2 of Exhibit B, would
13 your answers be the same?

14 A. Yes.

15 Q. If I ask you the same questions or
16 substantially the same questions about the lot
17 located at 344 North Canal, which is Page 3 of
18 Exhibit B, would your answers be the same?

19 A. Yes.

20 Q. If I ask you the same questions or
21 substantially the same questions regarding the
22 address located at 345 North Canal, Page 4,

1 would your answers be the same?

2 A. Yes.

3 Q. If I asked you the same questions or
4 substantially the same questions about the lot
5 located at 400 East South Water Street in
6 Chicago, Page 5 of Exhibit B, would your answers
7 be the same or substantially the same?

8 A. Yes.

9 Q. If I ask you the same questions or
10 substantially the same questions about the
11 property address 405 North Wabash, Page 6 of
12 Exhibit B, would your answers be the same?

13 A. Yes.

14 Q. If I ask you the same questions or
15 substantially the same questions in regards to
16 the property at the address 440 North LaSalle,
17 Page 7 of Exhibit B, would your answers be the
18 same?

19 A. Yes.

20 Q. If I asked you the same questions or
21 substantially the same questions regarding
22 800 North Kedzie, Page 9 of Exhibit B, would

1 your answers be the same or substantially the
2 same?

3 A. Yes.

4 Q. If I ask you the same questions or
5 substantially the same questions regarding the
6 address located at 831 North Damen, Page 10 of
7 Exhibit B, would your answers be the same or
8 substantially the same?

9 A. Yes.

10 Q. If I ask you the same questions or
11 substantially the same questions regarding
12 address the 1801 North St. Louis, Page 13 of
13 Exhibit B, would your answers be the same --

14 A. Yes.

15 Q. -- or substantially the same?

16 A. Yes.

17 Q. If I asked you the same questions or
18 substantially the same questions about the
19 address located at 1900 North Austin, Page 14 of
20 Exhibit B, would your answers be the same or
21 substantially the same?

22 A. Yes.

1 Q. If I asked you the same questions or
2 substantially the same questions about the
3 property address 2030 South State Street,
4 Page 17 of Exhibit B, would your answers be the
5 same or substantially the same?

6 A. Yes.

7 Q. If I ask you the same questions or
8 substantially the same questions regarding the
9 lot located at 2111 South Clark Street in
10 Chicago, would your answers be the same or
11 substantially the same?

12 A. Yes.

13 Q. If I ask you the same questions or
14 substantially the same questions regarding
15 2113 North Spaulding in Chicago, Page 19 of
16 Exhibit B, would your answers be the same or
17 substantially the same?

18 A. Yes.

19 Q. If I asked you the same questions or
20 substantially the same questions regarding the
21 lot located at 2201 South Halsted Street in
22 Chicago, would your answers be the same or

1 substantially the same?

2 A. Yes.

3 Q. If I asked you the same questions or
4 substantially the same questions regarding the
5 lot located at 2233 South Canal Street in
6 Chicago, which is Page 21 of Exhibit B, would
7 your answers be the same or substantially the
8 same?

9 A. Yes.

10 Q. If I asked you the same questions or
11 substantially the same questions regarding the
12 lot located at 2249 North Milwaukee Avenue in
13 the City of Chicago, Page 22 of Exhibit B, would
14 your answers be the same or substantially the
15 same?

16 A. Yes.

17 Q. If I asked you the same questions or
18 substantially the same questions regarding the
19 lot located at 2421 West Madison, which is
20 Page 23 of Exhibit B, would your answers be the
21 same or substantially the same?

22 A. Yes.

1 Q. If I asked you the same questions or
2 substantially the same questions in regard to
3 the lot located at 2451 North Clybourn Avenue in
4 Chicago, Page 24 of Exhibit B, would your
5 answers be the same or substantially the same?

6 A. Yes.

7 Q. If I asked you the same questions or
8 substantially the same questions regarding the
9 property address 2600 South Michigan Avenue in
10 Chicago, which is Page 25 of Exhibit B, would
11 your answers be the same or substantially the
12 same?

13 A. Yes.

14 MR. PERL: We're getting there, Judge, so
15 maybe what we can do is take a five-minute
16 break, let me get all the addresses listed
17 because now that's all I'm doing.

18 JUDGE KIRKLAND-MONTAQUE: Mm-hm.

19 MR. PERL: So if you give me five minutes,
20 we'll compile all the addresses. And then all
21 I've got to do at that point in time is go to
22 the other stuff regarding like the dispatcher

1 licenses and operator licenses, and those are
2 going to be really quick.

3 JUDGE KIRKLAND-MONTAQUE: You're going to
4 list them all while you're listing things?

5 MR. PERL: I'll do that right now. But
6 there's only a handful of those.

7 JUDGE KIRKLAND-MONTAQUE: Okay.

8 MR. PERL: Because even those there was a
9 decent amount of issues, I think it was only
10 with, I think, four or five -- two or three
11 individuals.

12 So if I -- it would take 10 or 15
13 minutes, we'll list them all, and then my hope
14 is to be done with this witness by lunch.

15 JUDGE KIRKLAND-MONTAQUE: Okay.

16 MR. PERL: Completely.

17 JUDGE KIRKLAND-MONTAQUE: We'll come back
18 at a quarter to.

19 MR. PERL: Okay.

20 (WHEREUPON, a recess was had.)

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

1 MR. PERL: We have a complete list of all
2 the addresses now.

3 JUDGE KIRKLAND-MONTAQUE: Good.

4 BY MR. PERL:

5 Q. Sergeant Sulikowski, if I asked you
6 the same or substantially the same questions
7 regarding 2750 West Grand, would your answers be
8 the same or substantially the same?

9 A. Yes.

10 Q. If I asked you the same or
11 substantially the same questions regarding the
12 addresses located at 2801 North Linder, Page 28
13 of Exhibit B, would your answers but the same or
14 substantially the same?

15 A. Yes.

16 Q. If I asked you the same questions or
17 substantially the same questions regarding
18 2805 North Linder, Page 29 of Exhibit B, would
19 your answers be the same or substantially the
20 same?

21 A. Yes.

22 Q. If I asked you the same or

1 substantially the same questions regarding
2 2805 North Lotus, Page 30 of Exhibit B, would
3 your answers be the same or substantially the
4 same?

5 A. Yes.

6 Q. If I asked you the same questions or
7 substantially the same questions regarding
8 2408 West Fullerton, would your answers be the
9 same or substantially the same?

10 A. Yes.

11 Q. If I asked you the same questions or
12 substantially the same questions regarding
13 2844 West Armitage, would your answers be the
14 same or substantially the same?

15 A. Yes.

16 Q. If I asked you the same questions or
17 substantially the same questions regarding
18 3100 North Central, would your answers be the
19 same or substantially the same?

20 A. Yes.

21 Q. If I asked you the same questions or
22 substantially the same questions regarding 31 --

1 3901 West Madison, would your answers be the
2 same or substantially the same?

3 A. Yes.

4 Q. If I asked you the same questions
5 regarding 4946 South Drexel or substantially the
6 same questions, would your answers be the same
7 or substantially the same?

8 A. Yes.

9 Q. If I asked you the same questions or
10 substantially the same questions regarding
11 5200 West North Avenue in Chicago, would your
12 answers be the same or substantially the same?

13 A. Yes.

14 Q. If I asked you the same questions or
15 substantially the same questions regarding
16 5531 West North Avenue, Page 42 of Exhibit B,
17 would your answers be the same or substantially
18 the same?

19 A. Yes.

20 Q. If I asked you the same questions or
21 substantially the same questions regarding the
22 address located at 7118 West Grand Avenue in

1 Chicago, would your answers be the same or
2 substantially the same?

3 A. Yes.

4 Q. Now I'm going to turn our attention
5 to Exhibit A, which is the 4882 North Clark lot.

6 A. Okay.

7 Q. If I asked you the same questions or
8 substantially the same questions regarding the
9 address located at 834 West Leland --

10 JUDGE KIRKLAND-MONTAQUE: I'm sorry,
11 Exhibit A is the what again?

12 MR. PERL: I think it's the Clark Street
13 lot. I don't know if it says it on there.

14 JUDGE KIRKLAND-MONTAQUE: Could you be a
15 little more specific so that -- you mean these
16 tows relate to --

17 MR. PERL: The Clark Street --

18 JUDGE KIRKLAND-MONTAQUE: -- cars that --
19 okay.

20 MR. PERL: So, to be clear, Lincoln Towing
21 has two lots where they tow vehicles to. One of
22 them is 4882 North Clark Street and one is

1 4601 West Armitage. We typically call the Clark
2 Street lot the main lot. That's just for our
3 purposes.

4 Exhibit B dealt with the tows to
5 4601 West Armitage?

6 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

7 MR. PERL: Exhibit A deals with the tows to
8 4882 North Clark Street.

9 BY MR. PERL:

10 Q. So now we're on Exhibit A, which are
11 the relocations to 4882 North Clark Street,
12 okay?

13 A. Yes.

14 Q. If I were to ask you the same or
15 substantially the same questions regarding
16 834 West Leland, would your answers be the same
17 or substantially the same?

18 A. Yes.

19 Q. If I were to ask you the same or
20 substantially the same questions regarding
21 850 West Eastwood, would your answers be the
22 same or substantially the same?

1 A. Yes.

2 Q. If I were to ask you the same or
3 substantially the same questions regarding
4 1415 West Monroe, would your answers be the same
5 or substantially the same?

6 A. Yes.

7 Q. If I were to ask you the same or
8 substantially the same questions regarding 1730
9 West Terra Cotta, would your answers be the same
10 or substantially the same?

11 A. Yes.

12 Q. If I were to ask you the same or
13 substantially the same questions regarding
14 2001 West Devon Avenue, would your answers be
15 the same or substantially the same?

16 A. Yes.

17 Q. If I were to ask you the same or
18 substantially the same questions regarding
19 2801 West Devon, would your answers be the same
20 or substantially the same?

21 A. Yes.

22 Q. If I were to ask you the same or

1 substantially the same questions regarding the
2 address located at 3214 North Kimball, would
3 your answers be the same or substantially the
4 same?

5 A. Yes.

6 Q. If I were to ask you the same or
7 substantially the same questions regarding the
8 address located at 3620 North Clark Street,
9 would your answers be the same or substantially
10 the same?

11 A. Yes.

12 Q. If I were to ask you the same or
13 substantially the same questions regarding the
14 property address 3700 North Broadway, would your
15 answers be the same or substantially the same?

16 A. Yes.

17 Q. If I were to ask you the same or
18 substantially the same questions regarding the
19 property address located at 4102 North Sheridan,
20 would your answers be the same or substantially
21 the same?

22 A. Yes.

1 Q. If I were to ask you the same or
2 substantially the same questions regarding
3 address located 5440 North Clark Street, would
4 your answers be the same or substantially the
5 same?

6 A. Yes.

7 Q. If I were to ask you the same or
8 substantially the same questions regarding the
9 property located at 5501 North Kedzie, would
10 your answers be the same or substantially the
11 same?

12 A. Yes.

13 Q. If I were to ask you the same
14 questions or substantially the same questions
15 regarding property address located at 5623 North
16 Clark Street, would your answers be the same or
17 substantially the same?

18 A. Yes.

19 Q. If I were to ask you the same
20 questions or substantially the same questions
21 regarding the lot located at 5713 North Kenmore,
22 would your answers be the same or substantially

1 the same?

2 A. Yes.

3 Q. If I were to ask you the same or
4 substantially the same questions regarding the
5 property at 6105 North Broadway, would your
6 answers be the same or substantially the same?

7 A. Yes.

8 Q. If I were to ask you the same
9 questions or substantially the same questions
10 regarding the property located at 6550 North
11 Sheridan, would your answers be the same or
12 substantially the same?

13 A. Yes.

14 Q. If I were to ask you the same
15 questions or substantially the same questions
16 regarding the property located at 6700 North
17 Greenview, would your answers be the same or
18 substantially the same?

19 A. Yes.

20 Q. And, finally, if I were to ask you
21 the same questions or substantially the same
22 questions regarding the property located at 7000

1 North Ridge, would your answers be the same or
2 substantially the same?

3 A. Yes.

4 Q. And, by the way, I didn't clarify, do
5 you know what I mean by the same or
6 substantially the same?

7 A. Yes.

8 Q. That means there wouldn't be a
9 difference, correct?

10 A. Yes.

11 MR. PERL: So, Judge, I think that -- well,
12 I know for sure I'm going to be finished with
13 him today. Positive.

14 What I'd like to do is break for
15 lunch. I'm going to finish up with the
16 dispatcher and operator issues, which are short,
17 and then anything on follow-up that I have I'll
18 prepare. But I will guarantee you I'm done
19 today with this witness.

20 So I might have -- and I also want to
21 organize my thoughts differently because the
22 dispatchers and operators are different

1 questions, so I'm going to go through one of
2 those, and then I'll do the same thing I did.
3 But there's not many of them.

4 So I'll be done today for sure. And
5 most likely, if we come back at 1:00 or 1:15,
6 1:30, whatever your Honor would like, I'm
7 probably done within an hour of that, maybe at
8 the most an hour and a half.

9 And I don't know if counsel has
10 much -- much by way of cross or not, but I know
11 where I'm at.

12 JUDGE KIRKLAND-MONTAQUE: Well, it's about
13 five to 1:00, so why don't --

14 MR. PERL: Five to 12:00.

15 JUDGE KIRKLAND-MONTAQUE: 12:00, thank you.
16 Let's give it an hour -- let's give it to 1:00.

17 MR. PERL: Come back at 1:00?

18 JUDGE KIRKLAND-MONTAQUE: 1:00.

19 MR. PERL: Okay.

20 (WHEREUPON, the proceedings were recessed
21 until and 1:00 p.m.)

22