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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
PROTECTIVE PARKING SERVICE )  
CORPORATION d/b/a LINCOLN ) Docket No.  
TOWING SERVICE, )  
Respondent. ) 92 RTV-R Sub 17  
)  
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 21st, 2016

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

BEFORE:

MS. LATRICE KIRKLAND-MONTAQUE, Administrative Law  
Judge

SULLIVAN REPORTING COMPANY, by  
Devan J. Moore, CSR  
License No. 084-004589

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APPEARANCES:

ILLINOIS COMMERCE COMMISSION, by  
MS. JENNIFER ANDERSON  
160 North LaSalle Street  
Suite C-800  
Chicago, IL 60601  
(312)814-1934

-and-

ILLINOIS COMMERCE COMMISSION, by  
MR. BENJAMIN BARR  
160 North LaSalle Street  
Suite C-800  
Chicago, IL 60601  
(312) 814-2859

appearing for ICC Staff;

PERL & GOODSNYDER, LTD., by  
MR. ADAM R. PERL  
MR. VLAD V. CHIRICA  
140 North Peoria Street  
Suite 2-C  
Chicago, IL 60607  
(312)243-4500

appearing for  
Protective Parking Service  
Corporation d/b/a Lincoln Towing  
Service.

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  
4 No. 92 RTV-R Sub 17 for a status hearing. This is a  
5 hearing on fitness to hold a Commercial Vehicle  
6 Relocator's License; and the respondent is Protective  
7 Parking Service Corporation doing business as Lincoln  
8 Towing Service.

9                       May I have appearances? Let's start  
10 with Staff.

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

16           MR. BARR: Good morning, 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 office phone number is  
21 (312) 814-2859.

22           MR. PERL: Good morning. For the record, my

1 name is Allen Perl, P-e-r-l, on behalf of Protective  
2 Parking Service doing business as Lincoln Towing. My  
3 address is 14 North Peoria Street, Suite 2-C,  
4 Chicago, Illinois 60607. My telephone number is  
5 (312) 243-4500.

6 MR. CHIRICA: Good morning, your Honor. Vlad  
7 Chirica also on behalf of Protective Parking Service  
8 Corporation doing business as Lincoln Towing. Our  
9 address is 14 North Peoria Street, Suite 2-C,  
10 Chicago, Illinois 60607. Our phone is  
11 (312) 243-4500.

12 JUDGE KIRKLAND-MONTAQUE: Thank you.

13 Ms. Anderson, would you like to give  
14 us an update on where things stand with discovery?

15 MS. ANDERSON: Sure, your Honor. Since the  
16 last status we had in this matter, this morning I  
17 produced a third supplemental answer to Lincoln's  
18 request to produce. It includes copies of  
19 investigation reports that they asked for in response  
20 to Question 29, and it also includes additional  
21 information, in spite of Staff's objection, as to the  
22 number of citations that three relocators have been

1 issued.

2                   Apart from that, we have had further  
3 discussion among ourselves about the outstanding  
4 issues that Lincoln has with Staff's numerous  
5 objections to their discovery. And I believe at this  
6 point that we are not going to further compromise  
7 with respect to Lincoln's discovery, and I imagine  
8 that they will be filing a motion to compel shortly.

9                   With respect to Lincoln's production  
10 to Staff, in response to our discovery request, they  
11 may have brought something with them to the hearing  
12 today. I'm not sure. But the outstanding issues  
13 that we had previously talked about, where we were  
14 anticipating additional production based on some  
15 changes and modifications that we made to our data  
16 request, we have heard nothing further on.

17                   I believe that this will likely get  
18 resolved, because when we discussed it, Lincoln was  
19 amenable to -- or counsel was amenable to  
20 communicating with Lincoln to clarify if additional  
21 documents and information were available.

22                   The categories that I specifically

1 recall offhand were an amended request related to  
2 producing certain documents related to unclaimed  
3 vehicles that were disposed of by Lincoln during a  
4 specified time period, and also providing some  
5 greater detail concerning the employees of the  
6 company.

7 JUDGE KIRKLAND-MONTAQUE: Mr. Perl?

8 MR. PERL: Thank you, your Honor. I agree with  
9 Ms. Anderson that we are looking into the issue of  
10 the dispose of vehicles. It's not something that we  
11 can do on our old computer system quickly. So we  
12 will get that to Staff. We're not going to be  
13 objecting to it.

14 With regard to the further employee  
15 information, there may not be anything further other  
16 than, like, maybe one minor thing. So we'll get that  
17 done quickly because there wasn't much there. I  
18 think we gave them most of everything.

19 I do acknowledge receipt of discovery  
20 this morning. I didn't get a chance to look at it  
21 before I came this morning. I did see that I got an  
22 e-mail; but I haven't looked at it yet, so I don't

1 know what it's comprised of.

2 And we're going to probably be doing  
3 now a motion to compel the other discovery that they  
4 didn't respond to. We can get that on file within 21  
5 days. I first need to look at what they've given us  
6 this morning, and then I think we can do that within  
7 21 days.

8 JUDGE KIRKLAND-MONTAQUE: So assuming that  
9 that's the case, within 21 days, that's 3 weeks to  
10 file your motion to compel.

11 MR. PERL: Yes.

12 JUDGE KIRKLAND-MONTAQUE: And then we would  
13 need a hearing on that. I'm assuming all of this is  
14 coming. So for our purposes today, we can look at  
15 dates of a hearing on that motion.

16 MR. PERL: Yes.

17 JUDGE KIRKLAND-MONTAQUE: How is 4 weeks? The  
18 week of October 17th? Preferably, Wednesday, the  
19 19th.

20 MR. PERL: What time would we be doing that,  
21 your Honor?

22 JUDGE KIRKLAND-MONTAQUE: I'm open all day. Is

1       there a time that's better for you?

2               MR. PERL:   I can't do the afternoon.   I think I  
3       could do the morning.

4               MS. ANDERSON:   Are you clarifying the time that  
5       you're giving them to file, or a hearing on the  
6       motion?

7               JUDGE KIRKLAND-MONTAQUE:   A hearing on the  
8       motion.   The filing would be in the week before.

9                        You said 21 days; right?

10              MR. PERL:   Yes.   My only concern would be is,  
11       I'm not sure if Staff wants a response or not.   If  
12       they want to respond, then we want to reply.

13              MR. BARR:   We'll have time to explore our  
14       opportunity to respond.

15              MR. PERL:   Because we might be able to resolve  
16       some of the issues, or at least narrow down the  
17       issues.

18              JUDGE KIRKLAND-MONTAQUE:   Okay.   So 21 days for  
19       your filing.

20                        And then do you want 7 or 14?

21              MR. BARR:   14, your Honor.

22              MR. PERL:   And if we can have 7 to reply.



1           JUDGE KIRKLAND-MONTAQUE:   Okay.   21 days is  
2 going to be the 12th.   14 to reply is the 26th.

3                       7 for your response would be November  
4 2nd.

5           MR. PERL:   Okay.

6           JUDGE KIRKLAND-MONTAQUE:   So why don't we just  
7 look at a status hearing for the following -- well,  
8 the following week would be the 9th.

9                       Wednesday, November 9th?

10          MR. PERL:   In the morning?

11          JUDGE KIRKLAND-MONTAQUE:   Yeah.

12          MR. PERL:   And just to clarify, Judge, you said  
13 a status hearing.   Do you mean a status hearing, or  
14 do you want to have a status on it just to see if  
15 we're setting it for a hearing first, just to see  
16 where we are?

17          JUDGE KIRKLAND-MONTAQUE:   Well, that's what my  
18 thought is, unless in your reply you indicate that  
19 these matters are not resolved and you'd rather go to  
20 hearing on the 9th.   That could save us a couple of  
21 weeks.

22          MR. PERL:   It's up to you, your Honor.   I mean,

1 we could do it both ways. So sometimes we come to  
2 court to tell the judge, Here's where we are with  
3 things, and set a hearing; or sometimes we just set  
4 it for a hearing when we're doing a briefing  
5 schedule. I'm not sure.

6 My preference would be to set it for a  
7 status, come here, narrow down the issues for the  
8 hearing that we have, and then set a hearing date for  
9 shortly thereafter.

10 JUDGE KIRKLAND-MONTAQUE: Let's do that. We'll  
11 set a status date on November 9th, at 10:00.

12 Okay. So I'll just read the dates  
13 into the record so we have them.

14 Lincoln will file its motion to compel  
15 by October 12th. Staff will file its response by  
16 October 26th. Lincoln will file a reply by November  
17 2nd. And we shall have a status hearing on the  
18 motion to compel on November 9th, at 10:00 a.m.

19 (Whereupon, the above-entitled  
20 matter was continued to  
21 November 9th, 2016, at  
22 10:00 a.m.)