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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
Protective Parking Service)
Corporation d/b/a Lincoln Towing,))No. 92 RTV-R Sub 17
Hearing on fitness to hold a)
Commercial Relocator's License)
pursuant to Section 401 of the)
Illinois Commercial Relocation)
of Trespassing Vehicles Law,)
625 ILCS 5/18a-401.)

Chicago, Illinois
June 23, 2016

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

BEFORE:
LATRICE KIRKLAND-MONTAQUE, Administrative Law Judge.

1 APPEARANCES:

2 PERL & GOODSNYDER LTD, by
3 MR. ALLEN R. PERL
4 MR. VLAD V. CHIRICA
5 14 North Peoria Street, Suite 2C
6 Chicago, Illinois 60607
7 (312) 243-4500
8 aperl@perlandgoodsnyder.com

9 Appearing on behalf of Protective Parking
10 Service d/b/a Lincoln Towing;

11 ILLINOIS COMMERCE COMMISSION, by
12 MS. JENNIFER ANDERSON
13 MR. BENJAMIN BARR
14 160 North LaSalle Street, Suite C-800
15 Chicago, Illinois 60601-3104
16 (312) 814-1934
17 (312) 814-2859
18 janderson@icc.illinois.gov

19 Appearing on behalf of the Staff of the
20 Illinois Commerce Commission.

21 SULLIVAN REPORTING COMPANY, by
22 Brad Benjamin, CSR
License No. 084-004805

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I N D E X

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

E X H I B I T S

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

1 JUDGE KIRKLAND-MONTAQUE: By the power vested
2 in me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. 92RTV-R
4 Sub 17 for hearing -- status hearing, that is.

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

10 May I have appearances, please. Let's
11 start with Staff.

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

17 MR. BARR: Good morning, your Honor.

18 My name is Benjamin Barr. I also
19 appear on behalf of the staff of the Illinois
20 Commerce Commission. My office is located at
21 160 North LaSalle Street, Chicago, Illinois 60601,
22 and phone number's (312) 814-2859.

1 JUDGE KIRKLAND-MONTAQUE: Mr. Perl?

2 MR. PERL: Thank you, your Honor.

3 For the record, my name is Allen Perl,
4 P-E-R-L. I'm appearing on behalf of Protective
5 Parking Service Corporation. My address is 14 North
6 Peoria Street, Suite 2C, Chicago, Illinois 60607. My
7 telephone number is (312) 243-4500.

8 JUDGE KIRKLAND-MONTAQUE: Thank you.

9 Okay. As I stated, this is a status
10 on the discovery process. And why don't I just ask
11 Ms. Anderson to give us an update on where we are.

12 MS. ANDERSON: Thank you, your Honor.

13 In terms of Protective Parking's
14 response to Staff's discovery, they have tendered an
15 initial response. I have yet to fully review that
16 response with our other staff and to try to work out
17 differences with Protective Parking because there
18 were some objections to discovery made.

19 With respect to Staff's production of
20 discovery to Protective, we have made some progress
21 since the last hearing. I have not tendered further
22 discovery to them yet, but it's my understanding that

1 with respect to some items in the production which
2 were discussed on the record at our last status
3 hearing -- specifically the spreadsheet concerning
4 various administrative citations which was also
5 subject of a FOIA request that they filed around the
6 same time that the data request was filed by
7 Protective -- the spreadsheet has been completed, but
8 we were just waiting for our custodian of records to
9 return to the office to get it certified for them, so
10 that should be something that they will receive
11 shortly.

12 With respect to --

13 JUDGE KIRKLAND-MONTAQUE: Wait. I'm sorry.

14 Staff is providing Lincoln with a
15 spreadsheet? I thought it was --

16 MS. ANDERSON: Yes.

17 JUDGE KIRKLAND-MONTAQUE: Oh.

18 MR. PERL: We also gave them a spreadsheet as
19 well.

20 JUDGE KIRKLAND-MONTAQUE: Okay. There's two.

21 MR. PERL: Yes.

22 JUDGE KIRKLAND-MONTAQUE: Okay. So that's

1 not --

2 MR. PERL: That's correct, your Honor.

3 JUDGE KIRKLAND-MONTAQUE: Okay. So -- okay.
4 Thank you.

5 MS. ANDERSON: So the spreadsheet that I was
6 just referring to, your Honor, is Staff's production
7 to Lincoln. And we are just waiting to get that
8 spreadsheet certified because they requested it
9 certified.

10 The other area of the discovery that
11 hopefully we will now be able to move forward and
12 make progress on is obtaining copies of
13 correspondence. We did receive from Lincoln a
14 narrowed-down search language to provide to our IT
15 department. So the staff person who has been working
16 on that is now back from vacation and should be
17 working out that search language with the IT
18 department shortly. So I expect that we'll be able
19 to get moving on that.

20 MR. PERL: I don't have a lot to add other than
21 the fact that -- for the record, Mr. Vlad Chirica
22 just entered the room. He's my associate:

1 C-H-I-R-I-C-A.

2 JUDGE KIRKLAND-MONTAQUE: Okay.

3 MR. PERL: I don't have a lot to add to that,
4 your Honor. I think we've tendered our discovery,
5 waiting for the Commerce Commission's responses. We
6 don't really have a response back yet. We did agree
7 to -- I think part of the problem was that in doing a
8 search for a name like Lincoln in the ICC's records,
9 you can get all sorts of things that don't relate to
10 Lincoln Towing and it was causing some confusion. So
11 we agreed temporarily, you know, to see what we get,
12 narrowing it to things like Lincoln within in the
13 same document that says "towing," within the same
14 document that says something else. So it's kind of
15 narrowing the field for it.

16 JUDGE KIRKLAND-MONTAQUE: Okay.

17 MR. PERL: And we also agreed that we would
18 take a spreadsheet, initially, to look at to make
19 sure the documentation was there. If it's
20 sufficient, then it won't ask for all the documents
21 supporting it; if it's not, then we will. So as soon
22 as we get those documents we'll be in a better

1 position to know that.

2 JUDGE KIRKLAND-MONTAQUE: Okay. So you're
3 saying, then, that the spreadsheet is first step in
4 determining whether you need additional
5 documentation?

6 MR. PERL: Yes.

7 Because what we asked for, your Honor,
8 is we asked for all -- copies of all of the
9 complaints and -- filed, and was -- they were
10 difficult to get them all. So I did agree that if
11 you give me a spreadsheet with everything on it and
12 it's something that we can use, then I would consider
13 relieving them of the liability of having to go out
14 and actually copy every single one.

15 We asked the same thing for other
16 towing companies as well.

17 JUDGE KIRKLAND-MONTAQUE: Let me ask you: the
18 spreadsheet that Lincoln provided to Staff, have you
19 all been able to review it or do anything with that?

20 MS. ANDERSON: No, your Honor.

21 JUDGE KIRKLAND-MONTAQUE: So you need to review
22 that as well?

1 MS. ANDERSON: Yes.

2 JUDGE KIRKLAND-MONTAQUE: So you both need time
3 to review these spreadsheet -- well, Staff has to
4 provide Lincoln with its certified copy of the
5 spreadsheet.

6 I'm just trying to get in my mind --
7 I'm putting together a timeline.

8 MR. PERL: I'll help you out.

9 It's not just a spreadsheet. We also
10 asked for all the documentation, e-mails, text
11 messages, letters, correspondence relating to Lincoln
12 Towing and some other entities. So until we are in
13 receipt of those documents -- and I expect them to be
14 rather lengthy -- I don't know, you know, how long
15 it's going to take to review them all, then probably
16 go back and forth with Staff regarding their
17 objections and our objections. So I don't believe
18 we're anywhere near a position to start setting hard
19 dates on anything other than when we might complete
20 discovery.

21 And then, after that, there might be
22 the need for some oral discovery. I'm not saying

1 that will be for certain, but might be some need for
2 that -- if there is. And then would be in the
3 position to know, after that, where we're going. But
4 that's -- you know, we're looking down the road.

5 JUDGE KIRKLAND-MONTAQUE: Your request for this
6 additional information, is it limited to time --
7 within a time frame?

8 MR. PERL: Oh, yes. Yeah.

9 JUDGE KIRKLAND-MONTAQUE: Like a certain period
10 of time?

11 MR. PERL: Yeah. Absolutely.

12 JUDGE KIRKLAND-MONTAQUE: Okay. All right. So
13 right now, where we are is we're still in the midst
14 of exchanging information, reviewing that information
15 to see if you need additional information.

16 MR. PERL: Yes.

17 JUDGE KIRKLAND-MONTAQUE: And both sides are in
18 the process of reviewing what they have received in
19 terms of the spreadsheets. So...

20 MR. PERL: Well, we're actually not reviewing
21 anything right now --

22 JUDGE KIRKLAND-MONTAQUE: Not yet.

1 MR. PERL: -- because we don't have any
2 documents.

3 JUDGE KIRKLAND-MONTAQUE: Not quite. Yeah.

4 Staff, how long do you think it will
5 take to get the certified spreadsheet? I mean,
6 what's -- what's the time frame on that?

7 MS. ANDERSON: Well, it's hard to me to say
8 because I'm not in that office, dealing with the
9 person who certifies it. I think -- I think that it
10 would be reasonable for them to have it by the end of
11 the week. But the spreadsheet is ready; literally,
12 all they need to do is get a certificate with a seal.

13 JUDGE KIRKLAND-MONTAQUE: I see. I see.

14 Okay. So hopefully that -- I mean --
15 well, today is Thursday.

16 You mean this week?

17 MS. ANDERSON: Yeah.

18 JUDGE KIRKLAND-MONTAQUE: Oh, okay. All right.
19 Assuming that that's done by the end of the week, or
20 at the very latest, beginning of next week, when you
21 get that, and then you will need time to review that.

22 MR. PERL: Well, we'll also need the rest of

1 our discovery. That's not --

2 MS. ANDERSON: Right.

3 MR. PERL: -- that's just a part of the
4 discovery.

5 JUDGE KIRKLAND-MONTAQUE: Well -- okay.

6 So what about the other items?

7 MS. ANDERSON: Right. What I was describing
8 was Mr. Perl provided reduced search terms because
9 the initial scans of the agency-wide e-mail was
10 coming up with hundreds of thousands of documents,
11 and I do not have a report back yet from the IT
12 department on how scaled back the results will be
13 once those reduced searches are applied.

14 There's a staff person in Springfield
15 who's going to be working with our IT department and
16 Central Management Services on running those scans.
17 So until those initial conversations happen, I do not
18 know how long it will take the searches to run.

19 I don't know if you want to set
20 another short date on discovery and, hopefully, I'll
21 have more information back on that point, but it's
22 unlikely that on the next discovery date -- if you

1 want to set us a short date, it's unlikely that the
2 documents will all be ready at that time because they
3 may still be in the process of running the searches.

4 JUDGE KIRKLAND-MONTAQUE: So the only purpose
5 then of another short date would be to find out how
6 long it may take the Commission to respond to this
7 search?

8 MS. ANDERSON: Yes.

9 MR. PERL: I don't have a -- you know, it's not
10 that difficult for me to get here. So if we want to
11 do a short date or a longer date, it doesn't really
12 matter to me. I'll do it, whatever the Commerce
13 Commission would like. Whatever date you want to set
14 that -- when we're available, is okay with me.

15 There's a lot -- I will tell you this,
16 that I anticipate there being a lot of documents
17 coming our way and some time to review them. We also
18 have interrogatories that are out as well, as we
19 recall -- written questions that are out, as well,
20 that haven't been answered.

21 JUDGE KIRKLAND-MONTAQUE: Okay.

22 MR. PERL: Which I referred to as

1 interrogatories. But...

2 JUDGE KIRKLAND-MONTAQUE: Ms. Anderson, can
3 those written interrogatories be answered outside of
4 the scope of this search -- of this IT search?

5 MS. ANDERSON: I believe so. We did provide an
6 initial response already before the last status
7 hearing, but they have objected in part to some of
8 the answers that we gave. So we will have to try to
9 resolve those.

10 JUDGE KIRKLAND-MONTAQUE: So while we're
11 waiting on certain -- I don't know. Obviously, this
12 search is a huge -- a big one. I'm assuming that
13 review of what you have will continue and discussions
14 will continue between the two to narrow down what
15 you've already sent to each other and --

16 MR. PERL: Absolutely. I don't anticipate a
17 problem working with Staff on getting that resolved.

18 JUDGE KIRKLAND-MONTAQUE: Okay.

19 All right. Well, then it looks like
20 another date, another status date, just to make sure
21 that things are moving along, will be necessary or
22 helpful.

1 And since this is mainly a report back
2 from Staff on how the search is coming from IT, we
3 can do...

4 MR. PERL: Do you want to pick a day while
5 we're already here?

6 JUDGE KIRKLAND-MONTAQUE: Well, that's a good
7 idea.

8 MR. PERL: It -- it's, you know --

9 JUDGE KIRKLAND-MONTAQUE: What's our next date?

10 MS. ANDERSON: Is it July 27th?

11 JUDGE KIRKLAND-MONTAQUE: Yeah.

12 MR. PERL: Yes.

13 JUDGE KIRKLAND-MONTAQUE: I have something the
14 27th. Why don't we make it at --

15 MS. ANDERSON: So if those are starting at
16 10:00, do you want to do status for this matter at
17 9:30?

18 JUDGE KIRKLAND-MONTAQUE: Yep.

19 Is that okay with you, Mr. Perl?

20 MR. PERL: That's fine, Judge.

21 JUDGE KIRKLAND-MONTAQUE: Okay. So this matter
22 will be continued for another status on discovery to

1 Wednesday, July 27th, at 9:30 a.m. here in Chicago.

2 All right. Thank you.

3 (Whereupon the above-referenced
4 matter was continued to
5 July 27, 2016, at 9:30 a.m.)

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