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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
PROTECTIVE PARKING SERVICES) No. 92 RTV-R
CORPORATION, d/b/a LINCOLN) Sub 17
TOWING SERVICE,)
)
Respondent.)
)
Hearing on fitness to hold a)
Commercial Vehicle Relocator's)
License pursuant to Section 401)
of the Illinois Commercial)
Relocation of Trespassing)
Vehicles Law, 625 ILCS 5/18a-401)

Chicago, Illinois

July 27, 2016

Met, pursuant to adjournment, at
9:30 o'clock a.m.

BEFORE:

MS. LATRICE KIRKLAND-MONTAQUE,
Administrative Law Judge

APPEARANCES:

PERL & GOODSNYDER, LTD., by
MR. VLAD CHIRICA
14 North Peoria Street, Suite 2C
Chicago Illinois 60607
appearing for Protective
Parking Service Corporation

1 APPEARANCES (continued):

2 MS. JENNIFER ANDERSON
3 160 North La Salle Street
4 Chicago, Illinois
5 appearing for Staff of the
6 Illinois Commerce Commission

7 MR. BENJAMIN BARR
8 160 North La Salle Street
9 Chicago, Illinois
10 appearing for Staff of the
11 Illinois Commerce Commission

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SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
LICENSE NO. 084-002170

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2 JUDGE KIRKLAND-MONTAQUE: By the power vested in
3 me by the State of Illinois and the Illinois
4 Commerce Commission, I now call for status hearing
5 92 RTV-R - Sub 17. This is in the matter of
6 Protective Parking Service Corporation, d/b/a
7 Lincoln Towing Service, and the hearing -- this is a
8 status hearing on fitness to hold a Commercial
9 Vehicle Relocator's License.

10 May I have appearances. Let's start
11 with Staff of the Commission.

12 MS. ANDERSON: I'm Jennifer Anderson. I appear
13 on behalf of Staff of the Illinois Commerce
14 Commission. My address is 160 North La Salle
15 Street, Chicago, Illinois, 60601. My phone number
16 is 312-814-1934.

17 MR. BARR: Good morning, your Honor. My name is
18 Benjamin Barr, and I am also appearing on behalf of
19 Staff of the Illinois Commerce Commission.
20 My address is located at 160 North La Salle Street,
21 Chicago, Illinois, 60601. My phone number is
22 312-814-2859.

1 JUDGE KIRKLAND-MONTAQUE: Thank you.

2 MR. CHIRICA: Good morning, your Honor. My name
3 is Vlad Chirica, and I'm here appearing on behalf of
4 Protective Parking Service Corporation, d/b/a
5 Lincoln Towing Service. Our address is 14 North
6 Peoria Street, Suite 2C, in Chicago, Illinois,
7 60607. Our phone number is 312-243-4500.

8 JUDGE KIRKLAND-MONTAQUE: Thank you.

9 All right. As I mentioned, this is a
10 status hearing, and I'll just give the floor to
11 Ms. Anderson to give us a status on where things
12 stand with the discovery.

13 MS. ANDERSON: Thank you, your Honor.

14 With respect to Staff's response to
15 Protective Parking Service Corporation's data
16 request, I served a second response on them via
17 e-mail yesterday afternoon.

18 In that response, I provided some
19 additional information based on objections that they
20 had served on Staff in late May. The big kind of
21 outstanding issue that we had discussed at the last
22 status hearing on discovery in this case was

1 progress on running the scans of Commission e-mail
2 accounts in Staff's efforts to try to produce those
3 as documentation to certain portions of Protective
4 Parking Service Corporation's data request.

5 The response that I sent to them
6 yesterday basically is now a full objection to those
7 questions, because even after applying
8 narrowed-down-search terminology that Mr. Perl
9 supplied to us in mid-June, the number of potential
10 documents to be reviewed with respect to discovery
11 in this case, which related to e-mails concerning
12 Protective Parking Service Corporation, as well as
13 to other relocators, was still approximately
14 slightly over 20,000 documents and we estimated that
15 Staff's review of those documents would take
16 approximately four months.

17 I explained this position in the
18 response that I sent to Mr. Perl and it appears that
19 he is not here with us today, because he's been
20 detained by an emergency motion in Lake County, and
21 is not able to be here, so we have not discussed
22 that response yet.

1 In terms of the other issues kind of
2 still outstanding in Staff's production to
3 Protective Parking Service Corporation were requests
4 that he made for us to provide a list of witnesses
5 and exhibits for the hearing, as well as providing
6 all of the ICC's investigation files. I believe it
7 was limited to ones that resulted in citations being
8 issued for a certain time period, and Staff has not
9 finished compiling those records yet, and I
10 anticipated trying to talk to Mr. Perl to see if he
11 would agree to basically producing the versions
12 which we've already compiled for the purpose of
13 trying to resolve any administrative citation
14 hearings, but we have not been able to have that
15 specific conversation yet.

16 My -- I guess the other issue that's
17 kind of outstanding in the matter with respect --
18 from Staff's perspective with respect to Protective
19 Parking Service Corporation's production to Staff,
20 they had provided a response. We have reviewed that
21 response since the last hearing.

22 They made many objections to Staff's

1 request. I think on some of those objections our
2 sort of viewpoints or positions are going to be too
3 far apart to be resolved, but we did have a
4 discussion last week or the week before related to
5 Staff trying to amend a couple of the questions and
6 the data requests to accept some supplemental
7 documentation in addition to what we have already
8 provided.

9 I think we had basically reached a
10 tentative agreement on that probably last Thursday
11 or Friday, but I have not heard back from Mr. Perl
12 since on his consultation with his client. So I
13 think that there's potential to resolve a few more
14 differences there, but, basically, discovery has not
15 been completed by either of the parties at this
16 point, and I would ask basically for another status
17 on discovery to be sent out roughly 30 days from
18 now.

19 I guess the other aspect in that is I
20 can have Staff start reviewing some of the
21 documentation that Protective has already provided
22 to us, but until we reach agreement on resolving the

1 differences, because I felt like what they provided
2 was missing some of the information that we were
3 looking for, I don't have all of the documents ready
4 to sort of be reviewed and analyzed by Staff and
5 particularly the ICC police yet.

6 JUDGE KIRKLAND-MONTAQUE: Is it possible to start
7 and then should you receive more?

8 MS. ANDERSON: Yes, absolutely.

9 JUDGE KIRKLAND-MONTAQUE: Did you have anything
10 you wanted to add, Mr. Chirica?

11 MR. CHIRICA: Yes. So we -- as she mentioned, we
12 just received their second answer to our data
13 request yesterday. After preliminary review of it,
14 it looks like it's substantially the same as before.
15 There's only a few things that are different, so it
16 doesn't really give us that much.

17 We have received a response to our
18 FOIA request. We are not sure yet if it is what we
19 are looking for exactly. It was potentially missing
20 a few things. We found some things that were errors
21 that we have not yet resolved that we might be able
22 to resolve, but it might be far off. Some of the

1 objections we don't agree with exactly, so we might
2 need to resolve those by way of a discovery order.

3 As for our responses to their request,
4 I think there's a few that can easily be resolved
5 that we're working with our client on, and they
6 mentioned that they would amend some of their
7 questions, so I think 30 days would be good as well.

8 JUDGE KIRKLAND-MONTAQUE: Are the responses to
9 the FOIA request -- to your FOIA request do they
10 coincide with your discovery request?

11 MR. CHIRICA: Yes and no. The FOIA request
12 matched I believe a few of the questions, and we
13 agreed to preliminarily look at just the spreadsheet
14 with the citations.

15 We received the spreadsheet, but we
16 are not sure if it is all the information we are
17 looking for to move forward as opposed to all the
18 documents related to those in addition.

19 JUDGE KIRKLAND-MONTAQUE: Which is what the FOIA
20 request is for, is that correct --

21 MR. CHIRICA: Yes.

22 JUDGE KIRKLAND-MONTAQUE: -- just so I understand

1 the difference?

2 MR. CHIRICA: Right.

3 JUDGE KIRKLAND-MONTAQUE: All right. So you
4 received the second response from them --

5 MR. CHIRICA: Yesterday, yes.

6 JUDGE KIRKLAND-MONTAQUE: -- yesterday and you
7 reviewed it preliminarily?

8 How much more additional time -- do
9 you think the 30-day status date would be sufficient
10 for you to review what you have already?

11 MR. CHIRICA: It would be -- the time would be
12 mostly to review it but also discuss it with the
13 Staff to see if we can resolve some of the
14 objections that they had and our objections and to
15 see if we can get more discovery out and receive
16 more discovery.

17 JUDGE KIRKLAND-MONTAQUE: All right. So 30 days
18 would take us into the week of August 29th, the last
19 week of August.

20 MR. CHIRICA: I believe we have a hearing on the
21 18th. Do you want to do it on the 18th or do we
22 want to --

1 MS. ANDERSON: On August 18th?

2 JUDGE KIRKLAND-MONTAQUE: That's a regularly
3 scheduled Commission date.

4 MS. ANDERSON: That's a regularly scheduled
5 Commission date.

6 MR. CHIRICA: How is the 31st of August?

7 MR. BARR: That works for me.

8 MS. ANDERSON: That's fine with Staff.

9 JUDGE KIRKLAND-MONTAQUE: At 10 a.m.?

10 MR. CHIRICA: Sure.

11 JUDGE KIRKLAND-MONTAQUE: So this status hearing
12 will be continued to August 31st at 10 a.m., and we
13 will convene at that time on the fitness hearing.

14 (Whereupon, the above
15 matter was adjourned, to
16 be continued to August 31,
17 2016 at 10 a.m.)

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