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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
IN RE: THE MATTER OF: ) No. 92 RTV-R  
PROTECTIVE PARKING SERVICE ) Sub 17  
CORPORATION d/b/a LINCOLN )  
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

August 31, 2016

Met, pursuant to adjournment, at  
10 o'clock a.m.

BEFORE:

MS. LATRICE KIRKLAND-MONTAQUE,  
Administrative Law Judge

1 APPEARANCES:

2 PERL & GOODSNYDER, LTD., by  
3 MR. ALLEN PERL and MR. VLAD CHIRICA  
4 14 North Peoria Street, Suite 2C  
5 Chicago, Illinois  
6 appearing for Protective Parking  
7 Service Corporation

8 MS. JENNIFER ANDERSON  
9 160 North La Salle Street  
10 Chicago, Illinois  
11 appearing for staff of the  
12 Illinois Commerce Commission

13 MR. BENJAMIN BARR  
14 160 North La Salle Street  
15 Chicago, Illinois  
16 appearing for staff of the  
17 Illinois Commerce Commission

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

1           JUDGE KIRKLAND-MONTAQUE: By the power vested in  
2 me by the State of Illinois and the Illinois  
3 Commerce Commission, I now call for status hearing  
4 Docket No. 92 RTV-R, Sub 17. This is in the matter  
5 of Protective Parking Service Corporation, d/b/a  
6 Lincoln Towing Service, and this is on the hearing  
7 on fitness to hold a Commercial Vehicle Relocator's  
8 License.

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

11           MS. ANDERSON: Thank you, your Honor. My name is  
12 Jennifer Anderson. I am here on behalf of staff of  
13 the Illinois Commerce Commission. My address is  
14 160 North La Salle Street, Chicago, Illinois, 60601.  
15 My phone number is 312-814-1934.

16           MR. BARR: Good morning, your Honor. My name is  
17 Benjamin Barr. I am also appearing on behalf of the  
18 Illinois Commerce Commission. My office is located  
19 at 160 North La Salle Street, Suite 800, Chicago,  
20 Illinois, 60601. My phone number is 312-814-2859.

21           JUDGE KIRKLAND-MONTAQUE: Thank you.

22           MR. PERL: Good morning, your Honor. For the

1 record, Allen Perl, P-E-R-L. I appear today on  
2 behalf of Protective Parking Service Corporation.  
3 My address is 14 North Peoria Street, Suite 2(C),  
4 Chicago, Illinois, 60607, and my phone number is  
5 312-243-4500.

6 MR. CHIRICA: My name is Vlad Chirica,  
7 C-H-I-R-I-C-A. I'm here representing Protective  
8 Parking Service Corporation, d/b/a Lincoln Towing  
9 Service. Our address is 14 North Peoria Street,  
10 Suite 2(C), Chicago, Illinois, 60607. Our phone  
11 number is 312-243-4500.

12 JUDGE KIRKLAND MONTAGUE: Okay. Thank you. Why  
13 don't I give you the floor, Ms. Anderson, for an  
14 update on where things stand with discovery.

15 MS. ANDERSON: Thank you, your Honor.

16 Since last time we had a hearing  
17 really not much has changed. I have not had  
18 communication with Mr. Perl in an effort to further  
19 resolve differences. We did serve an amended data  
20 request yesterday based on previous conversations.  
21 We had to try to narrow down the scope of  
22 information staff was seeking in one of its

1 questions.

2                   The other outstanding issue where I  
3 thought there was room for progress on staff's end,  
4 at the last hearing we had I indicated that we  
5 needed more time to compile investigation reports to  
6 turn over to Lincoln Towing with respect to their  
7 request number 30 but I still have not received  
8 confirmation from Mr. Perl whether they would accept  
9 those in the format that we traditionally produced  
10 in discovery for administrative citation hearing  
11 matters or not, so that's basically all that I have  
12 since last time.

13           JUDGE KIRKLAND MONTAGUE: Mr. Perl.

14           MR. PERL: Thank you, your Honor.

15                   I believe that Jennifer was  
16 referring -- I don't think it's 30. I think it's a  
17 different request when we got that spreadsheet. I  
18 think 30 calls for photographs -- if I'm correct,  
19 30 calls for photographs or videos relating to an  
20 investigation, and I think that the spreadsheet  
21 that -- we did receive a spreadsheet. In term of  
22 those tickets, we did not receive copies of those

1 tickets or citations that were requested, however, I  
2 think we might not need those any more if the  
3 spreadsheet is sufficient, but the spreadsheet  
4 didn't apply, I don't think, to 30, but let me just  
5 briefly discuss where we are at.

6 We have had conversations but a lot of  
7 them having to do with ticket citations probably not  
8 as much as the fitness hearing. There's still  
9 probably, I don't know, at least a dozen areas where  
10 we think that staff's response was deficient to our  
11 request, and it's not just pertaining to the  
12 spreadsheet.

13 I don't know if your Honor feels it's  
14 beneficial if we can go over them just briefly this  
15 morning or I could try to schedule a time with  
16 Ms. Anderson to do that, either way.

17 MS. ANDERSON: Your Honor, I guess in that  
18 respect, with respect to Question 30, the reason I  
19 had been in communication with him about producing  
20 investigation files is because photographs and  
21 videos are ordinarily part of a file, unless it was  
22 taken in some other context, but with respect to

1 the, you know, dozen or so areas where they believe  
2 that our responses thus far have been deficient,  
3 there are -- there may be some further room for  
4 compromise, but on our end in terms of what we have  
5 received from Protective Parking I think we're close  
6 to feeling like the matter is complete.

7 I'm not certain at this point whether  
8 we would or would not try to compel any further  
9 discovery, but I am feeling on their end some of  
10 these dozen areas they're probably not going to  
11 reach agreement on and I wouldn't be surprised if  
12 they filed a motion to compel in the future, but I  
13 would propose that I try to have a further effort  
14 with Mr. Perl to resolve differences because we  
15 really have not had a substantive productive  
16 discussion since the last status hearing.

17 JUDGE KIRKLAND-MONTAQUE: And that has been  
18 mainly due to the fact that it's been because you  
19 have been dealing with citations that are, you know,  
20 outside of this fitness hearing?

21 MR. PERL: Well, we are still dealing with the  
22 citations obviously. I think one or two times we

1 had calls I wasn't available and then we cut one  
2 call short, not specifically dealing with this but  
3 dealing with the tickets but that I was part of the  
4 reason. Just generally, a litigator's life is just  
5 what it is. We are trying to get to it all.

6 I'm okay with doing this just in a  
7 phone call or in person and then not putting it on  
8 the record for the moment. We will come back to  
9 your Honor if we can't resolve the issues. I even  
10 have time if we are ending right now this brief  
11 hearing. I even have time for like 30 minutes right  
12 now if Ms. Anderson wants to sit and talk for a  
13 minute and just kind of tell her what we are looking  
14 for, I don't need actual responses right now, but  
15 just tell her what the issues are, then she can come  
16 back to me, then we know where we are going with it.

17 JUDGE KIRKLAND-MONTAQUE: I think that's  
18 reasonable, but I would like you to use the time  
19 today, if you have it, because I don't think this is  
20 going to go for very long, but what I would like to  
21 do is for you to set something up in the near future  
22 just to make sure that conversations have been, and



1 if there are any agreements on those issues that,  
2 you know, if I need to make rulings on them that I  
3 do so just to keep things moving along to --

4 MR. PERL: Okay.

5 JUDGE KIRKLAND-MONTAGUE: -- keep an eye on it.

6 So if you have a discussion today,  
7 even a follow-up discussion, then maybe -- and if  
8 that follow-up discussion results in the staff  
9 producing more information, I don't know, I'm just  
10 thinking two or three weeks.

11 MS. ANDERSON: That seems reasonable to me.

12 MR. PERL: To me as well, your Honor.

13 JUDGE KIRKLAND-MONTAGUE: Let's say three weeks  
14 just to give you time to respond, if necessary, and  
15 make sure that --

16 MS. ANDERSON: So is that like September 12  
17 through 16, sometime in that range?

18 JUDGE KIRKLAND-MONTAGUE: Two weeks would be the  
19 12th. September 19th would be three.

20 MR. PERL: So we can do that. Well, we are here  
21 already on the 12th.

22 JUDGE KIRKLAND-MONTAGUE: Why don't we do it on

1 the 21st, like before add (sic) cites or after add  
2 (sic) cites.

3 MR. PERL: So we are here before the 21st. Why  
4 don't we do it before the cites.

5 MS. ANDERSON: I guess I don't have a clear  
6 picture in my head right now what that hearing is  
7 going to take on the 21st because we also haven't  
8 received an agreement on which citation numbers, if  
9 any, we would have hearings on that date.

10 JUDGE KIRKLAND-MONTAQUE: You want to do it 9:30?

11 MS. ANDERSON: So it would, just for scheduling  
12 purposes, be more clear to set it for 9:30.

13 MR. PERL: I have federal court at  
14 9 o'clock. On that day I will try to get here by  
15 9:30, but I can't guarantee it. I am scheduled at  
16 9 and 10 if it's working perfectly, but 9:30 might  
17 be pushing it.

18 JUDGE KIRKLAND MONTAGUE: We can do it at the end  
19 and start the cites after.

20 MR. PERL: Whatever we are going to be doing on  
21 the fitness hearing that day I don't think it's  
22 going to take a long time. I think we are going to

1     come to the question we don't have agreement on  
2     certain things.  If we don't and we have to file a  
3     motion to compel, you can rule on it anyway.

4             JUDGE KIRKLAND-MONTAQUE:  Right.

5             MR. PERL:  I'll get time to do that on that day.

6             JUDGE KIRKLAND-MONTAQUE:  We will start at the  
7     end right before add (sic) cites.  I don't know  
8     what's going to happen with these.

9             MR. PERL:  I do plan on setting up a call with  
10    Jennifer regarding add (sic) cites after we -- as we  
11    typically do so we can kind of narrow those issues  
12    down as well.

13            JUDGE KIRKLAND MONTAGUE:  Okay.  So the status  
14    hearing will be continued to Wednesday,  
15    September 21, 10 a.m., and that's it.  We are done  
16    for today.

17   (Whereupon, the above matter  
18   was adjourned, to be  
19   continued to September 21,  
20   2016 at 10 a.m.)

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