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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
Rendered Services, Inc.)
an Illinois Corporation.)
)No. 74 RTV-R Sub 15 /
Respondent.) 81440 MC
)
Hearing on fitness to hold a)
Commercial Vehicle Relocatio's)
License pursuant to Section 401)
of the Illinois Commercial)
Relocation of Trespassing)
Vehicles Law, 625 ILC'S)
5/18a-401.)

Chicago, Illinois
October 26, 2016

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

BEFORE:
LATRICE KIRKLAND-MONTAQUE, Administrative Law Judge.

1 APPEARANCES:

2 ILLINOIS COMMERCE COMMISSION, by
3 MR. BENJAMIN BARR
4 160 North LaSalle Street, Suite C-800
5 Chicago, Illinois 60601-3104
6 (312) 814-2859
7 bbarr@icc.illinois.gov

8
9 Appearing on behalf of the Staff of the
10 Illinois Commerce Commission;

11
12 GOLDSTINE, SKRODZKI, RUSSIAN, NEMEC
13 AND HOFF, LTD., by
14 MR. DONALD S. ROTHCHILD
15 The Prairie Building
16 835 McClintock Drive, Second Floor
17 Burr Ridge, Illinois 60527-0860
18 (630) 655-6000, Ext. 236
19 drothschild@gsrnh.com

20
21 Appearing on behalf of the respondent.

22 ALSO PRESENT:

Mr. James Damion

SULLIVAN REPORTING COMPANY, by
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. 74 RTV-R
4 Sub 15 for hearing.

5 This is in the matter of Rendered
6 Services, Inc., and this is a status hearing on their
7 application for renewal of a commercial relocater's
8 license.

9 May I have appearances, please. Let's
10 start with Rendered.

11 MR. BARR: Good.

12 MR. ROTHCHILD: Good morning, your Honor. My
13 name is Donald S. Rothchild. My business address is
14 835 McClintock Drive Burr Ridge, Illinois 60527. I'm
15 an attorney licensed by the Supreme Court, and I
16 represent the respondent, Rendered Services, Inc.

17 JUDGE KIRKLAND-MONTAQUE: Thank you.

18 Staff?

19 MR. BARR: Good morning, your Honor. My name
20 is Benjamin Barr, I appear on behalf of Staff of the
21 Illinois Commerce Commission. My office is located
22 at 160 North LaSalle Street, Suite 800 in Chicago,

1 Illinois 60601, and my office telephone number is
2 (312) 814-2859.

3 JUDGE KIRKLAND-MONTAQUE: Thank you.

4 All right. Well, this morning I was
5 greeted with a motion to compel in my office, so I
6 assume you filed it last night or yesterday.

7 MR. ROTHCHILD: Right.

8 We had -- by the way of the history
9 since we've been here last, your Honor, we were here,
10 I believe it was September 26th. And preceding that
11 status hearing, I had several conferences with
12 Ms. Anderson about discovery, and I thought we made
13 some progress. She never told me on September 26
14 that she was leaving the Commission. In fact, she's
15 really never told me she's leaving the Commission.
16 She never withdrew as an attorney in this proceeding,
17 so she still is of record. She sent me an e-mail on
18 the 30th saying that she no longer represents the
19 Commission, whatever that means. But in any legal
20 proceeding an attorney of record, who appears of
21 record, has to have leave to withdraw.

22 So be that as it may, I had reached

1 several accords with her regarding discovery, which
2 were never honored by her. After she left, Mr. Barr
3 contacted me. We've had several conference calls and
4 have been able to largely resolve everything except
5 one issue which we agreed to disagree about, which is
6 the matter addressed in the motion to compel. He's
7 still reviewing material.

8 He had a whole lot of work dumped on
9 him, I guess by virtue of Ms. Anderson no longer
10 representing the Commission, and I told him I'd work
11 with him and give him the time he needs to review
12 everything, but this item is something that he told
13 me he can't resolve with me by agreement. So
14 accordingly, I filed it, and, you know, certainly he
15 has the right -- or time to respond and we'd like to
16 reply.

17 JUDGE KIRKLAND-MONTAQUE: Sure.

18 MR. BARR: What Counsel said is correct, your
19 Honor. We did have numerous -- or two conversations
20 throughout the last 30 days regarding what was
21 outlined in the respondent's 201k letter. We were
22 able to reach accord on most of that. It is an

1 ongoing process in trying to gather some of that
2 information.

3 Some of that information's required me
4 to get access to Ms. Anderson's e-mail account, which
5 I finally do have access to, but the issue is
6 becoming trying to get archived e-mails that are
7 archived every 30 days in our system -- to get access
8 to those. So IT is currently in the process of
9 trying to grant me access to those e-mails. It would
10 just be a matter of time of gathering that
11 information and responding and supplementing the
12 respondent's request.

13 JUDGE KIRKLAND-MONTAQUE: Okay. So how much
14 time would you like to respond to his motion?

15 MR. BARR: Ideally, your Honor, 14 days. When
16 Counsel and I have talked about this issue in the
17 past, I believe it is going to require the Office of
18 General Counsel to get involved on this issue.

19 JUDGE KIRKLAND-MONTAQUE: Of the Commission?

20 MR. BARR: Yes. Just due the nature of the
21 requests that are in the motion to compel.

22 JUDGE KIRKLAND-MONTAQUE: Okay.

1 MR. BARR: 14 days would be ideal. I know
2 that's run into some time -- days off with the
3 Commission, the week of Veteran's Day, November 8th.

4 MR. ROTHCHILD: Your Honor, this -- Mr. Barr is
5 not being unreasonable by asking for 14 days. I
6 guess he doesn't realize that that's nothing.

7 But in any event may I respectfully
8 suggest that he is in the process of reviewing
9 matters that we discussed at the 201k discovery
10 conferences that may or may not result in further
11 disputed items. And if he wanted to take 30 days to
12 come to terms with that, maybe we could resolve --

13 JUDGE KIRKLAND-MONTAQUE: This issue.

14 MR. ROTHCHILD: Well, not -- it won't resolve
15 this, but there may be other motions.

16 For example, there's an issue
17 regarding privilege, whether certain documents and
18 information is privileged, and he is undertaking to
19 locate that and craft a response. If he determines
20 that we are in dispute about that, which he hasn't
21 finally determined, is that he'd give us the
22 privilege -- a privilege log, then that would be

1 another matter of a discovery dispute, and I'm
2 thinking maybe all discovery disputes can be resolved
3 at the same time if there are any more.

4 MR. BARR: I mean, without seeing the documents
5 and having the documents, you know, to review, I'm
6 not aware if there is going to be a discovery
7 dispute. I mean, Staff will certainly make their
8 best effort to either give the respondent a privilege
9 log or produce any documents that would fall outside
10 of privilege.

11 I guess it would be up to the
12 respondent whether they would like to hold off on the
13 motion to compel and combine it all into one motion
14 once we, you know, supplement our answers. We also
15 received further discovery requests from the
16 respondent this morning that I have not had a chance
17 to review, but will -- obviously, will require some
18 time to gather those documents.

19 MR. ROTHCHILD: That would make some sense. So
20 we're going to get a privilege log. We're going to
21 say, "Okay. Fine. We agree by virtue of the
22 description those appear to be privilege." Or we may

1 say, "Wait a minute. You can't claim a privilege on
2 that document," and then move to compel. So if we're
3 going to have this privilege log or the documents
4 within 30 days, we'll know whether or not there are
5 further disputes. And I think it's a reasonable
6 suggestion to have that all resolved at the same
7 time.

8 JUDGE KIRKLAND-MONTAQUE: All right. It seems
9 to be more efficient rather than meeting every so
10 often on one issue and then have -- you know, so that
11 we can streamline -- streamline this as a best as we
12 can, I think it would be better to allow Mr. Barr to
13 review the information regarding privilege, and if
14 there's any issues resulting from that, we can
15 consider along with your existing motion to compel.

16 So what would you think your time
17 frame is for that, Mr. Barr?

18 MR. BARR: In terms of producing the other
19 documents?

20 MR. ROTHCHILD: The privilege log and/or the
21 documents.

22 MR. BARR: I mean, ideally 30 days. Staff

1 hopes to have that done by then barring any IT
2 difficulties or any --

3 JUDGE KIRKLAND-MONTAQUE: Okay.

4 MR. BARR: -- issues on that end.

5 JUDGE KIRKLAND-MONTAQUE: Okay. Well, 30 days
6 I think is -- sounds reasonable, and -- where were
7 we?

8 MR. ROTHCHILD: Thanksgiving.

9 JUDGE KIRKLAND-MONTAQUE: Thanksgiving.

10 MR. ROTHCHILD: Oh, God. Times flies.

11 JUDGE KIRKLAND-MONTAQUE: Let's meet on
12 Thanksgiving Day.

13 MR. ROTHCHILD: What are you serving?

14 JUDGE KIRKLAND-MONTAQUE: Come to my house.

15 No. Let's what we're doing the week of
16 November 28th.

17 How is that Tuesday, the 29th?

18 MR. ROTHCHILD: Well, that's not a good day.

19 But in any event, let's say his response date --

20 JUDGE KIRKLAND-MONTAQUE: Oh, right.

21 MR. ROTHCHILD: -- is the 29th. Then we would
22 need a short period of time to determine whether

1 we're going to file another motion to compel or we're
2 satisfied with -- because again, the issue is going
3 to be, if he claims a privilege -- we don't know --
4 a privilege was generically claimed, and we convinced
5 Ms. Anderson and now Mr. Barr that we need a
6 privilege log under the rules which generally
7 describes -- or somewhat specifically, without
8 getting into it, the substance of it, substantively
9 generally describes each of the privileged documents,
10 and then we have a chance to say we don't believe
11 that that's properly claimed as a privilege, and
12 therefore move to compel. So we have to review --

13 JUDGE KIRKLAND-MONTAQUE: Uh-huh.

14 MR. ROTHCHILD: -- his 30-day production and
15 then make our motion or resolve it by further
16 discussion and then come to you, if necessary.

17 I mean, I don't mind a status that
18 week, but --

19 JUDGE KIRKLAND-MONTAQUE: No, if it's not
20 necessary, it's not necessary.

21 So let's have your due date on the
22 29th. That will give you the 28th in case you have

1 holiday plans.

2 And then what, 14 days, Mr. Rothchild?

3 MR. ROTHCHILD: Yeah.

4 JUDGE KIRKLAND-MONTAQUE: The 13th, does that
5 work?

6 MR. ROTHCHILD: So I could do the 13th in the
7 afternoon, early in the afternoon, like, 1:30?

8 JUDGE KIRKLAND-MONTAQUE: That's fine.

9 MR. BARR: That's works.

10 JUDGE KIRKLAND-MONTAQUE: That would be your
11 response date? Wait.

12 MR. ROTHCHILD: That would be our -- motion
13 to -- Further Motion to Compel or --

14 JUDGE KIRKLAND-MONTAQUE: And status?

15 MR. ROTHCHILD: -- and status.

16 That would be -- I would file it by
17 then and we could have a status so that you know
18 whether or not where discovery is at.

19 JUDGE KIRKLAND-MONTAQUE: Okay.

20 MR. ROTHCHILD: We wouldn't expect you to rule
21 on that date, and obviously Mr. Barr would then have
22 time on that date to respond to any motion that we

1 file, so it would be due on that day.

2 Is that acceptable?

3 JUDGE KIRKLAND-MONTAQUE: That's acceptable.

4 Okay. For the record, Staff shall
5 have until November 29th to respond to Rendered's
6 data request regarding privilege -- privileged
7 information. And then Rendered shall have until
8 Tuesday, December 13th, to file a reply or a motion
9 to compel as a result of Staff's filing. And we
10 shall also have a status hearing on December 13th at
11 1:30 p.m. here in Chicago to discuss these discovery
12 matters further.

13 MR. ROTHCHILD: Very well.

14 JUDGE KIRKLAND-MONTAQUE: All right. Thank
15 you. We're done.

16 (Whereupon the above-referenced
17 matter was continued to
18 December 13, 2016, at
19 1:30 p.m.)

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