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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
RENDERED SERVICES, INC.,)
an Illinois corporation,)
) Docket No.
Respondent,) 74 RTV-R Sub 15
)
)
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
March 16th, 2017

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

1 APPEARANCES:

2 ILLINOIS COMMERCE COMMISSION, by
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8 -and-
9 MS. GABRIELLE PARKER-OKOJIE
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11 Suite C-800
12 Chicago, IL 60601
13 (312) 814-1934
14 on behalf of ICC Staff;

15 THE LAW OFFICE OF
16 DONALD S. ROTHSCHILD, by,
17 MR. DONALD S. ROTHSCHILD
18 835 McClintock Drive
19 Burr Ridge, Illinois 60527
20 on behalf of Rendered Services, Inc.

21

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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 for status hearing
4 Docket No. 74-RTV-R Sub 15 for hearing. This is in
5 the matter of Rendered Services, Inc., and this is a
6 hearing on Fitness to Hold a Commercial Vehicle
7 Relocator's License.

8 May I have appearances, please? Let's
9 start with Staff.

10 MR. BARR: Good morning, your Honor. My name
11 is Benjamin Barr. I appear on behalf of the Staff of
12 the Illinois Commerce Commission. My office is
13 located at 160 North LaSalle Street, Suite C-800,
14 Chicago, Illinois 60601. And my phone number is
15 (312) 814-2859.

16 MR. ROTHSCHILD: Good morning, your Honor.
17 Gabrielle Parker-Okojie for Staff of the Illinois
18 Commerce Commission. Same office address, 160 North
19 LaSalle, Suite C-800, 60601 is the zip code. And the
20 phone number is (312) 814-1934.

21 JUDGE KIRKLAND-MONTAQUE: Okay.
22 Mr. Rothschild?

1 MR. ROTHSCHILD: Good morning, your Honor.
2 Donald S. Rothschild. My business address is 835
3 McClintock Drive, Burr Ridge, Illinois 60527. I'm
4 appearing before the Commission on behalf of Rendered
5 Services, Inc., and I'm an attorney licensed by the
6 Supreme Court.

7 JUDGE KIRKLAND-MONTAQUE: All right. The first
8 thing I'd like to address is, there was one
9 outstanding matter on discovery.

10 MR. ROTHSCHILD: The in camera?

11 JUDGE KIRKLAND-MONTAQUE: Yeah. I've taken a
12 look at it. And I'm going to rule that the Staff
13 should deliver you a copy of that memo. It's the
14 standard memo that everyone has to produce when we
15 produce orders -- present orders to the Commission.

16 MR. ROTHSCHILD: The explanatory memo?

17 JUDGE KIRKLAND-MONTAQUE: With the
18 recommendation.

19 MR. ROTHSCHILD: That's what I said all along.

20 JUDGE KIRKLAND-MONTAQUE: All right. So you
21 can do that by the end of -- or after the hearing.

22 MR. BARR: Yeah. Obviously, it won't take

1 long.

2 JUDGE KIRKLAND-MONTAQUE: Okay. So, next,
3 where do things stand in terms of discovery?

4 MR. BARR: Your Honor, if I may...?

5 JUDGE KIRKLAND-MONTAQUE: Go ahead.

6 MR. BARR: By March 3rd we turned over our
7 witness list and also some privileged documents that
8 were all ordered in the motion -- your Honor's order
9 in the motion to compel.

10 We did receive a 201(k) letter from
11 Counsel, I believe, last week or the week before,
12 which we fixed a number of issues that I believe have
13 all been addressed; and we tendered those documents
14 to Counsel yesterday.

15 He informed me before the start of
16 today's hearing that he hasn't had a chance to look
17 at them, which is understandable. So that's kind of
18 where we stand on those issues, your Honor.

19 I did address with Counsel this
20 morning, before the hearing, that Staff's position is
21 that their witness list, in response to Staff's
22 interrogatory, is deficient. They don't list a

1 subject matter, per 213(f) of the Supreme Court Rule,
2 for their witnesses. We would just be asking that
3 Counsel tender a complete witness list listing a
4 subject matter which those witnesses will testify
5 about within 7 days.

6 JUDGE KIRKLAND-MONTAQUE: Okay.

7 MR. ROTHSCHILD: Well, my response is that this
8 is the first time that Mr. Barr has raised it.
9 There's a procedure to raise discovery deficiencies
10 other than at a status hearing.

11 But, nevertheless, we will supplement
12 that, to the extent that we're able to. I still
13 haven't reviewed everything, and I don't have
14 everything, I believe, from Staff. I have to go
15 through our records to make sure what I have is
16 complete. He said that he sent stuff over yesterday,
17 but I haven't looked at that.

18 And then I also have a compilation of
19 material that I received from the Freedom of
20 Information office that -- because I think that there
21 was a death in the family, Katie's family. She
22 needed an extra several weeks to furnish this, and I

1 just received it. And I have to go through that to
2 determine if there is any follow-up or any additional
3 witnesses.

4 Also, I have to have a 201(k)
5 conference with Mr. Barr about his apparent
6 reluctance to allow me sufficient contact information
7 with his witnesses. So I'd want to address that with
8 him, and maybe we can find a way around it. There's
9 a list of a half a dozen or so witnesses that I have
10 information like a P.O. Box to get ahold of them; and
11 that's not going to work for us.

12 MR. BARR: Your Honor, per the Supreme Court
13 Rule, by the State of Illinois, 213(f) and (f)(1),
14 Staff is only, for lay witnesses, required to turn
15 over the name and address of the witness as well as
16 the subject matter in which the witness is to testify
17 about. So it's our position that we're under no
18 obligation to turn over addresses, phone numbers, or
19 any other type of information of that nature.

20 MR. ROTHSCHILD: Well, I want to have a 201(k)
21 conference about that because I think he's incorrect.
22 They give us redacted documents and then say, "We're

1 not telling you", "This information is private, or
2 personal", or whatever. It's redacted, so I can't
3 track people down; and then he gives me addresses
4 such as P.O. Boxes to track people down. We have a
5 right to be able to discover what their potential
6 testimony is going to be and to contact them.

7 I don't want to have to -- and I told
8 them this in correspondence -- hire an investigator
9 to knock on their doors and try to take a statement.
10 I just want cooperation so that we can be prepared
11 for the hearing. So, perhaps, I can persuade Mr.
12 Barr to work with me and give us the information that
13 we need to move forward with these individuals.

14 JUDGE KIRKLAND-MONTAQUE: Are these Staff's
15 witnesses?

16 MR. BARR: They're Staff witnesses. They're
17 not, like, Staff police officers or anything.
18 Obviously, anything, in terms of that nature, would
19 come from me; and then I would speak with the
20 officers on that.

21 They're complainants from
22 investigations in which -- to relieve the cars you

1 need to put on the invoice their name and address.

2 We redact that when we send Counsel the investigation
3 files, but his client should have copies of those
4 invoices that would have that information on it.

5 JUDGE KIRKLAND-MONTAQUE: All right. I just
6 hope that you can work that out.

7 MR. ROTHSCHILD: I would hope so. I'm not
8 looking to generate more time and effort in that
9 regard; and the fact is that I'll have to seek to
10 depose these people and waste a lot of time and
11 money. I just want to know what they're going to say
12 at the hearing, and I don't believe that the reports
13 are sufficient to disclose that.

14 I'm going to go through it again. I'm
15 going to speak with Mr. Barr. I'll make a suggestion
16 and a proposal, and hopefully we'll work it out -- or
17 maybe I'll speak to this young lady.

18 JUDGE KIRKLAND-MONTAQUE: As a matter of
19 practicality, your witness needs to -- they at least
20 need to be able to depose them or something.

21 MR. BARR: We provided the address, per 213.
22 Short of that, I think we've complied with the

1 Supreme Court Rules. We've provided the necessary
2 information to Counsel. I mean, it's his client's
3 decision whether they want to hire a private
4 investigator.

5 JUDGE KIRKLAND-MONTAQUE: What's the reason for
6 redacting the information?

7 MR. BARR: Privacy.

8 JUDGE KIRKLAND-MONTAQUE: But it's a witness.
9 You've got to let them know who you...

10 MR. BARR: Well, no, they know who the
11 witness -- they know the names; they know the
12 addresses as well as the subject matter of the
13 investigation that they sent in.

14 MR. ROTHSCHILD: But there's a lot of
15 redacted --

16 I've got to go through that again.
17 This was just disclosed to us recently. I've got to
18 follow up with them. I've got to follow up. I
19 followed up a week ago. He sent me some information
20 yesterday. I got this material just several days
21 before. I want to work it out.

22 JUDGE KIRKLAND-MONTAQUE: Okay. And let's just

1 keep in mind that our objective is to get to hearing.
2 And if you're going to use these people as witnesses,
3 obviously he should be able to contact them, I think.
4 So work it out. Work it out.

5 MR. BARR: The other thing, your Honor, that
6 Staff would like to address is we were served with
7 new discovery requests on February 24th that we
8 believe are objectionable. I don't think a year into
9 this proceeding almost that, you know, new discovery
10 requests that should have been brought up when this
11 process first started --

12 You know, Counsel has already filed
13 his motion to compel on a number of issues. You
14 know, then Counsel indicated that he wants to work on
15 resolving the other issues. But to start filing new
16 discovery requests at this point is only going to
17 prolong the process.

18 MR. ROTHSCHILD: I don't know what he's talking
19 about new. This is all based on the responses that
20 we received from them. And their supplemental
21 follow-up --

22 You know, typically, in a major piece

1 of litigation we'll have two or three follow-ups on a
2 case.

3 MR. BARR: We were given discovery responses
4 from February 24th. We were served with responses
5 that, your Honor, honestly, that asked questions
6 that -- they're not new questions.

7 MR. ROTHSCHILD: Responses that asked
8 questions?

9 MR. BARR: Or interrogatories that are asking
10 them questions -- nothing new -- that should have
11 been brought up at the beginning of this.

12 JUDGE KIRKLAND-MONTAQUE: It's not a follow-up
13 to something you provided?

14 MR. BARR: Correct. It's not a follow-up.

15 MR. ROTHSCHILD: I believe it is.

16 I mean, again, the procedure is to
17 have a 201(k) conference. Now, 3 weeks later, I'm
18 hearing it for the first time because he's crying
19 about it to you. The procedure is for Counsel to
20 interact with one another regarding discovery issues;
21 and we have been able to.

22 When I have objections to his, I

1 schedule a 201(k) conference. We had three or four
2 phone calls -- lengthy ones -- and we were, indeed,
3 able to work things out.

4 JUDGE KIRKLAND-MONTAQUE: Okay.

5 MR. ROTHSCHILD: So I would like to file --

6 If now, for the first time,
7 apparently, Mr. Barr is citing rules left and right
8 about following the rules and the restrictions in the
9 rules, that's well and good. But if you're going to
10 follow the rules, the rules regarding a discovery
11 dispute is that you work it out with counsel before
12 you bring it to the decision-maker and waste their
13 time.

14 MR. BARR: Your Honor, I appreciate Counsel
15 informing me of the rules. The purpose of 201(k) is,
16 basically, saying that when you when file a motion,
17 you need to put in that motion that you tried to
18 resolve these differences with counsel. My point
19 today is not to ambush Counsel but merely inform the
20 Court of where we're at in discovery.

21 MR. ROTHSCHILD: The purpose of 201(k) is not
22 to put in a motion some statement. The purpose of

1 201(k) is to try to resolve discovery differences,
2 not some formality to stick in a motion. I want to
3 try to resolve discovery differences.

4 JUDGE KIRKLAND-MONTAQUE: That's fine.
5 Regardless of how you characterize it, I get it. I'm
6 going to push for the two sides here to get together,
7 have a meeting, and use your best efforts to resolve
8 as many issues as you can.

9 MR. ROTHSCHILD: I would like that.

10 MR. BARR: Thank you, your Honor.

11 JUDGE KIRKLAND-MONTAQUE: And what time
12 period -- I want to keep a short leash on this, if
13 you will.

14 MR. ROTHSCHILD: We're moving along. I want to
15 complete the written discovery ASAP and then start
16 with the depositions.

17 JUDGE KIRKLAND-MONTAQUE: When do you think you
18 could get this 201(k) conference in? What's today?

19 MR. ROTHSCHILD: I would think early next week.

20 MR. BARR: Early next week is not available for
21 Staff. We could do it later in the week.

22 JUDGE KIRKLAND-MONTAQUE: But within a week?

1 MR. ROTHSCHILD: By the end of next week?

2 MR. BARR: That's fine.

3 JUDGE KIRKLAND-MONTAQUE: Okay. And then --

4 MR. ROTHSCHILD: I have to review what he's
5 sent over. I have to review what transportation --
6 the FOI people sent over. We'll see if we have to
7 ask for your intervention regarding whatever is still
8 open.

9 I, very briefly, glanced at this one
10 supplemental response; and I think I need to have
11 some follow-up with Mr. Barr about that, and then
12 we'll be ready to request depositions. I hope not to
13 have to request them of all of these outside people
14 that I could, otherwise, contact if I could find
15 them.

16 JUDGE KIRKLAND-MONTAQUE: How about 4 weeks
17 from now to check in again to see where things stand?

18 MR. ROTHSCHILD: That'll work. That's right
19 before Easter; so it will have to be after Easter.

20 JUDGE KIRKLAND-MONTAQUE: Let's see. Where
21 does that take me?

22 MR. BARR: Is that the week of the 10th, your

1 Honor?

2 MR. ROTHSCHILD: That's the week before Easter,
3 I think.

4 MS. GABRIELLE PARKER-OKOJIE: 4 weeks would be
5 April 6th.

6 MR. ROTHSCHILD: April what?

7 MS. GABRIELLE PARKER-OKOJIE: April 6th.

8 JUDGE KIRKLAND-MONTAQUE: That is the week
9 before Easter.

10 MR. ROTHSCHILD: April 6th wouldn't be 4 weeks.

11 JUDGE KIRKLAND-MONTAQUE: It's the April 10th
12 week.

13 MR. ROTHSCHILD: So the following week I'm
14 good.

15 JUDGE KIRKLAND-MONTAQUE: The following week?

16 MR. ROTHSCHILD: The week following that week,
17 I'm out that week.

18 JUDGE KIRKLAND-MONTAQUE: Of Easter?

19 MR. ROTHSCHILD: Yep. And I'm not in on the
20 17th. So the 18th or 19th.

21 JUDGE KIRKLAND-MONTAQUE: Okay. Now, that week
22 I actually will be out. So we're going to have to go

1 to the 24th, the week of the 24th.

2 MR. ROTHSCHILD: The 25th?

3 JUDGE KIRKLAND-MONTAQUE: Yeah, we can do that.
4 We can do, like, maybe an 11:00. We have a
5 10:00 o'clock or a 1:30.

6 MR. ROTHSCHILD: Can we do it in the morning?

7 MR. BARR: I could do 11:00.

8 MR. ROTHSCHILD: You've done this before, your
9 Honor -- and I've appreciated it very much -- to have
10 it, like, at 3:00 in the afternoon so I can go home
11 afterward.

12 JUDGE KIRKLAND-MONTAQUE: How does that sound?
13 Do you have anything in the afternoon?

14 MR. BARR: No, your Honor.

15 JUDGE KIRKLAND-MONTAQUE: I'm open. All right.
16 How's 3:00 o'clock?

17 MR. ROTHSCHILD: Perfect.

18 JUDGE KIRKLAND-MONTAQUE: Okay. This matter
19 will be continued to Tuesday, April 25th, at
20 3:00 p.m., here in Chicago.

21 And Staff will be providing you the
22 answers to that one interrogatory.

1 MR. ROTHSCHILD: The document.

2 JUDGE KIRKLAND-MONTAQUE: The document.

3 I'm sure you can pull it out.

4 MR. ROTHSCHILD: And we'll make a sincere
5 effort to resolve our differences before coming and
6 squabbling in front of you.

7 JUDGE KIRKLAND-MONTAQUE: Okay.

8 (Whereupon, the above-entitled
9 matter was continued to
10 April 25th, 2017, at 3:00 p.m.)

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