

**ILLINOIS INDEPENDENT
TAX TRIBUNAL**

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|---------------------------------------|---|------------------------------------|
| BOB MELTON TRUCK SERVICE INC., |) | |
| Taxpayer, |) | |
| v. |) | 14-TT-12 |
| |) | CHIEF JUDGE JAMES M. CONWAY |
| ILLINOIS DEPARTMENT OF |) | |
| REVENUE, |) | |
| Department. |) | |

NOTICE OF JOINT MOTION

To: John R. Simpson
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Springfield, Illinois 62705
217-544-1144
Email: jrsimpson@sorlinglaw.com

Please be advised that **The Joint Motion For A Continuance For Parties To File Their Pre-Trial Order** is attached and served upon you.

State of Illinois, Department of Revenue

By: LISA MADIGAN, Illinois Attorney General

By: /s/ Seth Jacob Schriftman
Seth Jacob Schriftman
Special Assistant Attorney General
Illinois Department of Revenue
100 West Randolph Street, 7-900
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312-814-1591
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he served a copy of this Notice of Motion and the document therein mentioned on the parties set forth above by email on June 4, 2015.

/ Seth J. Schriftman
Seth J. Schriftman

**ILLINOIS INDEPENDENT
TAX TRIBUNAL**

BOB MELTON TRUCK SERVICE INC.,)

Taxpayer,)

v.)

14-TT-12

CHIEF JUDGE JAMES M. CONWAY

ILLINOIS DEPARTMENT OF)

REVENUE,)

Department.)

**JOINT MOTION FOR A CONTINUANCE FOR PARTIES TO FILE THEIR PRE-
TRIAL ORDER**

NOW COMES the Illinois Department of Revenue (“Department”), by and through its attorney, LISA MADIGAN, Illinois Attorney General, and the Taxpayer by and through its attorney, John R. Simpson, moves this Tribunal for an order granting the parties a continuance to file their pre-trial order. In support of this Motion, the parties state as follows:

1. On April 1, 2015, the Tribunal issued an order to the parties to:1) “submit a joint pre-trial order by June 8, 2015” and 2) scheduled a status conference for June 18, 2015 at 9:30 a.m. so that the dates could be set for the filing of summary judgment motions.

2. Subsequently, on May 19, 2015, the Court allowed a short extension for the filing of the pre-trial order until June 24, 2015, with a follow-up telephone status on July 8, 2015 at 9 a.m., based partially on new documents to be provided to counsel from Bob Melton Truck Service Inc. (“Bob Melton”)

3. On May 25, 2015, the Department received 16 PDF files, which contain over 350 pages of new information containing what has been described as supporting documentation of transports made by Bob Melton between 2011 and 2012.

4. This information was immediately forwarded to Kendra Dye, the auditor for this matter, for her review. Unfortunately, Ms. Dye was involved with other audits and began evaluating this information on June 4, 2015.

5. Ms. Dye will also be out of the office from June 5, 2015 until June 15, 2015 due to her being selected to be a juror in a federal trial – a fact just found out by the Department within the last day.

6. In order to evaluate this new documentation and its admissibility as well as its impact on the arguments for both parties, Ms. Dye estimates that it will take her at least a week upon her return to make her evaluation and analyses and reconcile it with the documentation already received during the audit and by Petitioner's counsel after the audit.

7. On June 4, 2015, counsel for the Department and for the Taxpayer discussed this matter. Counsel for the Department was further informed that Bob Melton was also providing additional bills of lading documentation and that additional summaries pertaining to interstate and intrastate mileage for the vehicles at issue would also be provided within the next few weeks.

8. Based on the above facts and the likelihood that such evaluation and analysis of documents would take additional time, counsel for both parties agreed that an extension of the due date for this pre-trial order would be necessary in order to allow the auditor and the Department's counsel to evaluate this new information.

9. Essentially, the parties believe that the evaluation of this new information is essential in order to make the factual issues within the pre-trial order as helpful and succinct as possible.

10. The parties also believe that verification of such summary documents may more easily lead to their admissibility for the purpose of agreeing to stipulations and the content of the resulting summary judgment motions.

11. During and after Ms. Dye has been able to evaluate this information, the Department will keep working with Petitioner's counsel in good faith to finalize the pre-trial order.

12. Therefore, the parties respectfully request a continuance until July 24, 2015 to allow the Department's auditor to evaluate the new material and to allow the parties to complete the pre-trial order in as helpful and succinct a manner as possible for the Tribunal.

13. Thereafter, the parties request that a status conference be held at the Tribunal's convenience.

14. By allowing the parties this extension, neither party will be prejudiced.

15. This Motion is made in good faith and is a Joint Motion

WHEREFORE, the parties respectfully request that an order be entered (1) granting the parties leave to file its pre-trial order on July 24, 2015; (2) allowing a status hearing thereafter; and (3) for such other relief as this Court deems just and proper.

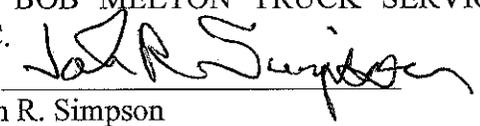
Dated: June 4, 2015

Respectfully submitted,
State of Illinois, Department of Revenue

By: LISA MADIGAN, Illinois Attorney
General

By: /s/ Seth Jacob Schriftman
Seth Jacob Schriftman
Special Assistant Attorney General

By: BOB MELTON TRUCK SERVICE,
INC.

By: 

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