

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission

ILLINOIS COMMERCE COMMISSION
ADM

Qi Ji Liu,)

2013 APR -1 P 1: 16

vs)

CHIEF CLERK'S OFFICE

Commonwealth Edison Company)

No: 12-0374

Complaint as to billing/charges in Chicago)

Hon. Heather Jorgenson

COMPLAINANT'S MOTION TO DEEM THE REQUESTS
FOR ADMISSION OF FACTS ADMITTED

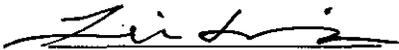
Complainant, Qi Ji Liu, pursuant to Illinois Supreme Court Rule ("Rule") 216, hereby respectfully submits his Motion to Deem the Requests for Admission of Facts admitted, and states as follows:

1. On or about November 9, 2012, Complainant filed a Motion for Leave to Conduct Discovery. And the Proposed Request for Admissions, Proposed Interrogatories, Proposed Request for Production as well as the Instruction and Definition for discovery were incorporated therein as Attachment A.
2. As of this day, for more than four months, Respondent Commonwealth Edison Company has not responded Complainant's Requests for Admission of Facts and any other discovery requests, which were served by mail on November 6, 2012.
3. **Illinois Supreme Court Rule 216** is clear about the effect of failing to respond to a request for admission within 28 days. The rule provides that "each of the matters of fact *** of which admission is required is admitted unless, **within 28**

days thereof, the party to whom the request is directed denies the matters of which admission is required or objects the matter on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in which or in part.” (Emphasis added).

4. **In P.R.S. International Inc. v Shred Pax Corporation, 184 Ill. 2d 224, 703 N. E. 2d 71, 234, 237 (1998)**, The Illinois Supreme Court resolved conflicting decisions in the appellate courts on whether a failure to respond to a Rule 216 request results in a judicial admission even where the request admission relates to “ultimate facts.” The Court’s holding on this issue is affirmative.
5. Beyond dispute, Respondent has no excuse whatsoever for its failure to comply with Rule 216. As such, all facts stated in Complainant’s Request for Admission of Facts should deem admitted as a matter of law.

WHEREFORE, Complainant respectfully prays the Illinois Commerce Commission grant this motion.



(Complainants Signature)

March 29, 2013

(Date)

Qi Ji Liu

2913 S. Union Ave. Chicago,

IL 60616

Tel: (312) 225-4401

Illinois Commerce Commission

Qi Ji Liu,)
vs)
Commonwealth Edison Company) No: 12-0374
Complaint as to billing/charges in Chicago) Hon. Heather Jorgenson
)

PROOF OF SERVICE

I, Qi Ji Liu, Complainant, on oath states that I cause an exact copy of the attached **Complainant's Motion to Deem the Requests for Admission of Facts Admitted**, by mailing such copy to the above-named Respondent's attorney at the address: Mark L. Goldstein, 3019 Province Circle, Mundelein, IL 60060 by depositing such copy thereof with envelope bearing sufficient pre-paid postage in the United State Mail.



(Complainant's Signature)

March 29, 2013

(Date)

Qi Ji Liu
2913 S. Union Ave. Chicago, IL 60616
Tel: (312) 225-4401

cc and the Complainant's Motion to Deem the Requests for Admission Admitted, as well as the Notice of Motion to:

Hon. Heather Jorgenson
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste C-800
Chicago, IL 60601

Ms Elizabeth A. Roland
Chief Clerk
Illinois Commerce Commission
527 East Capital Avenue
Springfield, IL 62701

Illinois Commerce Commission

Qi Ji Liu,)
vs)
Commonwealth Edison Company) No: 12-0374
Complaint as to billing/charges in Chicago) Hon. Heather Jorgenson

NOTICE OF MOTION

TO: Mark L. Goldstein
3019 Province Circle
Mundelein, IL 60060

PLEASE TAKE NOTICE that, on April 10, 2013 at 1:00 P.M., or as soon as the motion may be heard, I shall appear before the Honorable Judge Heather Jorgenson or any Judge in her stead at the Offices of the Illinois Commerce Commission, Chicago, Illinois, Michael Bilandic Building, 160 North LaSalle, Suite C-800, and then and there present the attached **Complainant's Motion to Deem the Requests for Admission of Facts Admitted**, a copy of which is attached herein and serve upon you.



(Complainant's Signature)

Qi Ji Liu

2913 S. Union Ave. Chicago, IL 60616

Tel: (312) 225-4401

March 29, 2013

(Date)