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JUL 27 2012

STATE OF ILLINOIS  
LIQUOR CONTROL COMMISSION

ILCC LEGAL

In the Matter of:	)	No. 12 C 100220
	)	No. 12 C 100221
City Beverage – Markham, LLC	)	
d/b/a/ City Beverage Markham	)	LIC: 12-2A-102035; 12-2B-69574
2064 W. 167 <sup>th</sup> St.	)	Exp: 9/30/2012
Markham, IL 60428	)	IBT: 5524-4025

In the Matter of:	)	No. 12 C 100222
	)	No. 12 C 100223
City Beverage – Markham, LLC	)	
d/b/a/ City Beverage –Arlington Heights	)	LIC: 12-2A-102034; 12-2B-69575
1401 E. Algonquin Rd.	)	Exp: 9/30/2012
Arlington Heights, IL 60005	)	IBT: 3665-2202

In the Matter of:	)	No. 12 C 100218
	)	No. 12 C 100219
Chicago Distributing LLC	)	
d/b/a/ City Beverage - Chicago	)	LIC: 12-2A-96603; 12-2B-64729
4841 S. California Ave.	)	Exp: 10/31/2012
Chicago, IL 60632	)	IBT: 5515-9060

In the Matter of:	)	No. 12 C 100216
	)	No. 12 C 100217
City Beverage LLC	)	
d/b/a/ City Beverage	)	LIC: 12-2A-98399; 12-2B-61392
1105 E. Lafayette Ave.	)	Exp: 3/31/2013
Bloomington, IL 61701	)	IBT: 5509-8851

**RESPONDENTS' MOTION TO STRIKE THE  
LEGAL DIVISION'S MOTION FOR SUMMARY JUDGMENT**

Wholesaler Equity Development Corporation (“WEDCO”), CITY Beverage – Illinois L.L.C. (“CITY Beverage”), CITY Beverage L.L.C. d/b/a CITY Beverage – Bloomington, Chicago Distributing L.L.C. d/b/a CITY Beverage – Chicago, and CITY Beverage – Markham L.L.C. d/b/a CITY Beverage – Arlington Heights (collectively, “Respondents”) respectfully request that the ILCC strike the Legal Division’s motion for summary judgment. In support of

this motion, Respondents concurrently file a supporting memorandum of law, and further state, as follows:

1. The Legal Division seeks to summarily revoke Respondents' licenses prior to holding the hearing that is a fundamental element of due process and mandated under the Liquor Control Act and Administrative Procedure Act, as well as before complying with constitutional due process requirements that require the ILCC to produce evidence that "might be useful" to Respondents.

2. Moreover, the Legal Division intentionally omitted from its motion any legal analysis of the critical issue in the proceeding. Without setting forth the legal framework relevant to the material facts, the Legal Division provides no basis for summary judgment, falling far short of showing entitlement to judgment "as a matter of law."

3. The motion for summary judgment is thus deficient procedurally and substantively and should be stricken.

WHEREFORE, for the reasons set forth above and in Respondents' supporting memorandum of law, Respondents respectfully request that the ILCC strike the Legal Division's motion for summary judgment.

Dated: July 27, 2012

/s/ Thomas J. Verticchio

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Counsel for WEDCO

**Proof of Service**

Now comes the undersigned, an attorney, and does hereby state that the above motion was served on July 27, 2012, and was served via e-mail and hand delivery on Stephen B. Schnorf, Michael V. Casey, and Richard Haymaker, Illinois Liquor Control Commission, at 100 W. Randolph St., Room 7-801, Chicago, IL 60601.

/s/ Edward M. Crane

Edward M. Crane