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4 KING COUNTY
5 SUPERIOR COURT

6 IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

HONORABLE J. KATHLEEN LEARNED

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AUG 28 2000

JUDGE
J. KATHLEEN LEARNED

7 SANDY JUDD, TARA HERIVEL and
8 ZURAYA WRIGHT, for themselves, and on
9 behalf of all similarly situated persons,

10 Plaintiffs,

11 v.

12 AMERICAN TELEPHONE AND
13 TELEGRAPH COMPANY; GTE
14 NORTHWEST INC.; CENTURYTEL
15 TELEPHONE UTILITIES, INC.;
16 NORTHWEST TELECOMMUNICATIONS,
17 INC., d/b/a PTI COMMUNICATIONS, INC.;
18 U.S. WEST COMMUNICATIONS, INC.; T-
19 NETIX, INC.,

20 Defendants.

Case No.: 00-2-17565-5 SEA

~~PROPOSED~~ ORDER GRANTING AT&T
CORP.'S MOTION TO DISMISS

FILED

KING COUNTY, WASHINGTON

NOV 09 2000

SUPERIOR COURT CLERK
BY VICTOR A. DIGORNIA
DEPUTY

21 THIS MATTER came on for hearing before the Court on October 6, 2000. Having heard
22 argument of counsel and having considered the written submissions of the parties and all other
23 documents on file in this matter. NOW THEREFORE:

24 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiffs' First Amended Complaint is
25 hereby dismissed without prejudice for failure to state a claim. Plaintiffs shall have days from the
26 date of entry of this Order to file an amended complaint.

27 Furthermore, Plaintiffs' claims against Defendant AT&T Corp. ("AT&T") for damages
28 premised on nondisclosure of interstate long distance rates are hereby dismissed with prejudice under
the filed tariff doctrine.

[PROPOSED] ORDER GRANTING AT&T CORP.'S MOTION TO
DISMISS - 1

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8101 FIFTH AVENUE, SUITE 4071
SEATTLE, WASHINGTON 98104-3179
(206) 626-6700

1 Furthermore, Plaintiffs' claims against AT&T premised on nondisclosure of intrastate long
2 distance rates ~~are hereby dismissed without prejudice and~~ are referred to the Washington Utilities and
3 Transportation Commission under the primary jurisdiction doctrine for resolution in the first instance,
4 *of whether or not they are considered by the agency to be an*

DATED this 5th day of November, 2000.

DSP under the contracts at issue herein, and if so if the regulations have been violated. CPA, class & damage issues are stayed pending WUTC action.

J. Kathleen Learned
THE HONORABLE J. KATHLEEN LEARNED
KING COUNTY SUPERIOR COURT JUDGE

8 Presented by:

9 STOKES LAWRENCE, P.S.

11 By:

Kelly Twiss Noonan
Kelly Twiss Noonan (WSBA #19096)
Laura J. Buckland (WSBA #16141)

13 Attorneys for Defendant AT&T Corp.