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BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of
JAMMIE’S ENVIRONMENTAL, INC.,
For Authority to Operate as a Solid Waste
Collection Company in Washington

DOCKET TG-220243

BASIN DISPOSAL, INC.,
Complainant,

DOCKET TG-220215

v.

JAMMIE’S ENVIRONMENTAL, INC.,
Respondent.

JAMMIE’S ENVIRONMENTAL, INC.’S
RESPONSE TO BASIN DISPOSAL,
INC.’S MOTION TO COMPEL

1. Jammie’s has already answered BDI Data Request (“DR”) Nos. 010 and 011. Notwithstanding Jammie’s legitimate objections, as Jammie’s already told BDI *prior* to BDI filing its motion, Jammie’s has produced responsive information and documents identified to date. Aside from its OCC Rejects service for PCA, Jammie’s does not dispose of solid waste for PCA. BDI’s motion should be denied because it was moot from the start. BDI is also wrong that Jammie’s has violated the Commission’s discovery rules, engaged in bad

1 faith, or violated CR 11. Jammie’s remains, however, willing to confer with BDI on this
2
3 issue if that would help facilitate the discovery process.
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6 **A. Jammie’s followed the discovery rules in responding to BDI’s Data Requests.**

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8 2. BDI is incorrect that Jammie’s has violated the Commission’s discovery
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10 rules. BDI DR Nos. 010 and 011 asked Jammie’s to describe all “Solid Waste management
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12 services” that it provides PCA (DR 010) and to produce invoices and bills related to these
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14 services (DR 011).¹ “Solid Waste management services” is not defined in BDI’s data
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16 requests and that phrase never appears in BDI’s Complaint or Protest. And, contrary to
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18 BDI’s suggestion,² that phrase never appears in Jammie’s Answer nor does Jammie’s
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20 Answer ever assert or admit that it collects or disposes of solid wastes for PCA other than
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22 Jammie’s services relating to OCC Rejects.³ Accordingly, in Jammie’s responses to BDI DR
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24 Nos. 010 and 011, Jammie’s appropriately objected to both data requests
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28 as vague and ambiguous as to the phrase “Solid Waste management services”
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30 and to the extent it assumes the legal conclusion that Jammie’s provides solid
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32 waste collection services to PCA. Jammie’s does not provide solid waste
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34 collection services to PCA, as it understands that phrase to mean. Jammie’s is
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36 willing to meet and confer with BDI if BDI would like to clarify or explain its
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38 intended meaning of “Solid Waste management services.”⁴
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41 3. However, contemporaneous with Jammie’s service of its narrative responses
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43 to BDI DR Nos. 010 and 011 on July 15, Jammie’s counsel contacted BDI’s counsel
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47 ¹ BDI Motion to Compel (“BDI Mot.”), at 4-5.

² *Id.* at 6.

³ Jammie’s used the term “manage” twice to describe its OCC Rejects disposal services to
PCA. *See* Answer, at ¶¶ 27, 29.

⁴ BDI Mot., Ex. 2.

1 informing him of Jammie’s vagueness concern and offering to have a meet and confer to
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3 discuss the issue.⁵ BDI’s counsel never agreed to have such a meeting until July 22, when
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5 Jammie’s counsel requested a meet and confer to discuss BDI’s objections addressed in
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7 Jammie’s Motion to Compel which the Commission resolved on August 4.⁶ Thus, BDI’s
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9 suggestion that it had to “force” Jammie’s to participate in a meet and confer is false.⁷ BDI’s
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11 failure to engage on this issue is its own doing and it cannot credibly complain that
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13 Jammie’s did not inform BDI soon enough of its vagueness concern.
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17 4. Regardless, on July 22, the parties met and conferred where Jammie’s
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19 objections to BDI DR Nos. 010 and 011 were addressed.⁸ Following that meeting, on July
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21 29, Jammie’s confirmed that it did not have additional information or documents to produce
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23 relating to “solid waste management services” as it understood that phrase to mean.⁹ And, on
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25 August 5, in advance of BDI’s Motion, Jammie’s then followed its email by supplementing
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27 its responses to BDI Data Request Nos. 010 and 011, where Jammie’s stated in both
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29 responses that “aside from the OCC Reject services in dispute in this case, Jammie’s restates
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31 its answer above that it does not provide solid waste management services to PCA.”¹⁰
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37 ⁵ *Id.*, Ex. 5.

38 ⁶ Order 03-03 Granting Motion to Compel in Part; Denying in Part.

39 ⁷ BDI Mot., at 4.

40 ⁸ Jammie’s does not agree with BDI’s characterization of the parties’ meet and confer on
41 July 22 and it objects to BDI’s exceedingly broad interpretation of “solid waste management
42 services.” *Id.*, at 6-9. Frankly, this entire motion could probably have been avoided if BDI had issued
43 clearer discovery requests to Jammie’s because it appears the parties continue to dispute the meaning
44 of that phrase. Jammie’s remains willing to meet and confer with BDI on this issue. BDI can also, of
45 course, issue additional discovery on Jammie’s.

46 ⁹ *Id.*, at 7; *see also id.*, Ex. 5.

47 ¹⁰ *Id.*, Ex. 6.

1 5. Accordingly, BDI’s assertion that Jammie’s has not complied with WAC
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3 480-07-405(5), or any other discovery rule is not only inaccurate but moot. The parties met
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5 and conferred on BDI DR Nos. 010 and 011 and as explained below, Jammie’s has fully
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7 responded based on its understanding of the requests.
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10 **B. Jammie’s has already responded and produced responsive documents identified**
11 **to date.**
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13 6. As Jammie’s informed BDI in advance of its motion, BDI’s motion is
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15 unnecessary because Jammie’s has already responded to BDI DR Nos. 010 and 011 and has
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17 produced responsive documents identified to date, including documents relating to its
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19 disposal of OCC Rejects for PCA.¹¹ Aside from the OCC Rejects services it provides PCA,
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21 Jammie’s does not dispose of solid waste for PCA and does not have documents relating to
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23 “Solid Waste management services” as it understands that phrase to mean. However,
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25 discovery remains ongoing and Jammie’s will provide additional information or responsive
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27 documents to the extent identified consistent with WAC 480-07-405(8).
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31 7. BDI’s allegation that Jammie’s has somehow violated CR 11 is completely
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33 wrong. As stated above, nowhere does Jammie’s allege that it provides widespread “Solid
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35 Waste management services” to PCA. As noted above, that phrase is never uttered in
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37 Jammie’s Answer and Jammie’s only discusses managing (collecting and disposing) of OCC
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39 Rejects for PCA.
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¹¹ *Id.*

1 **C. Conclusion.**

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3 8. BDI's Motion to Compel should be denied because it is moot. Jammie's
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5 already responded to BDI Data Request Nos. 010 and 011 based on its understanding of the
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7 requests and has no further documents or information to provide. To the extent Jammie's
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9 identifies additional responsive information or documents, it will provide such information
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11 or documents to BDI. Jammie's remains willing, however, to further confer with BDI on this
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13 issue if that would be helpful to BDI.
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19 RESPECTFULLY SUBMITTED this 9th day of August, 2022.
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24 **PERKINS COIE LLP**

25 *s/ David S. Steele*

26

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