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KING COUNTY
SUPERIOR COURT

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

HONORABLE J. KATHLEEN LEARNED

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AUG 28 2000

JUDGE
J. KATHLEEN LEARNED

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

Plaintiffs.

v.

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY; GTE
NORTHWEST INC.; CENTURY TEL
TELEPHONE UTILITIES, INC;
NORTHWEST TELECOMMUNICATIONS,
INC., d/b/a PTI COMMUNICATIONS, INC.;
U.S. WEST COMMUNICATIONS, INC.; T-
NETLX, INC.,

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

ALL-STATE LEGAL
EXHIBIT
2

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

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

Furthermore, Plaintiffs' claims against Defendant AT&T Corp. ("AT&T") for damages
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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1 Furthermore, Plaintiffs' claims against AT&T premised on nondisclosure of intrastate long
2 distance rates ~~are to be 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 *December*, 2000. *DSP under the contracts at*

5 *issue herein, and if so*
6 *if the regulations have been violated*
7 *CPA, class & damage issues are stayed pending WUTC action.*

8 *J. Kathleen Learned*
9 THE HONORABLE J. KATHLEEN LEARNED
10 KING COUNTY SUPERIOR COURT JUDGE

Presented by:

11 STOKES LAWRENCE, P.S.

12 By:

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

Attorneys for Defendant AT&T Corp.