

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

THE HONORABLE BARBARA ROTHSTEIN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Verizon Northwest, Inc., Bell Atlantic
Communications, Inc. d/b/a Verizon
Long Distance, NYNEX Long Distance
d/b/a Verizon Enterprise Solutions,
Verizon Select Services, Inc., and
Verizon Services Corporation,

Plaintiffs,

v.

Marilyn Showalter, Chairwoman; Patrick
Oshie and Richard Hemstad,
Commissioners, in their official
capacities as members of the Washington
Utilities and Transportation Commission,
and Washington Utilities and
Transportation Commission,

Defendants.

NO. CV02-2342R

DECLARATION OF JEFFREY D.
GOLTZ IN SUPPORT OF
DEFENDANTS' MOTION TO
CONTINUE HEARING ON
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION
AND TO COMPEL DISCOVERY

NOTE ON MOTION CALENDAR:
Friday, DECEMBER 20, 2002

I, Jeffrey D. Goltz, hereby declare, under penalty of perjury, as follows:

1. I am a Deputy Attorney General for the State of Washington and am one of
the attorneys for the defendants in this case.

1 2. I make this declaration in support of defendants' motion for a continuance and
2 to compel discovery.

3 3. I am over the age of eighteen and am competent to make this declaration. I
4 make this declaration based on personal knowledge.

5 4. In this action, plaintiff Verizon companies filed a fifteen page Declaration of
6 Maura Breen dated November 18, 2002, in support of plaintiffs' motion for a preliminary
7 injunction in which she makes a number of allegations concerning the harm Verizon claims it
8 would face if the relief it seeks is not granted. We determined that in order to best defend the
9 interests of the defendants and the public, and present a full factual picture to the Court, we
10 needed to take Ms. Breen's deposition.

11 5. On November 26, 2002, defendants served plaintiffs with a Notice of
12 Intention to Take Deposition of Maura Breen or other officer of Verizon Services
13 Corporation regarding Ms. Breen's testimony in her declaration.

14 6. We have conferred with counsel for plaintiffs via telephone regarding
15 defendants' need to conduct limited discovery and this motion to compel, consistent with
16 FRCP 26(d) and (f). Counsel for Verizon would not agree to a deposition of Ms. Breen. He
17 further stated an unwillingness to simply extend the time for this Court's consideration of
18 Verizon's motion for a preliminary injunction so as to allow the defendants to take the
19 deposition of Ms. Breen. Accordingly, we determined it was necessary to seek an order from
20 the Court to permit limited discovery, as articulated in the motion and memorandum
21 accompanying this declaration, and to ask the Court to continue consideration of plaintiffs'
22 motion for a preliminary injunction until after that discovery is completed.

23 ///

24 ///

25 ///

1 7. Pursuant to 28 U.S.C. § 1746(2), I hereby declare under penalty of perjury
2 under the laws of the United States that the foregoing is true and correct.

3 EXECUTED on this 5th day of December, 2002.
4

5
6 _____
7 JEFFREY D. GOLTZ, WSBA No. 5460
8 Deputy Attorney General
9 (360) 753-2578
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26