

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

[PROPOSED] ORDER
GRANTING DEFENDANTS'
MOTION TO CONTINUE
CONSIDERATION OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
AND COMPELLING
DISCOVERY

NOTE ON MOTION CALENDAR:
Friday, DECEMBER 20, 2002

This matter came before the Court on the motion of defendants WUTC and its
Commissioners for an order continuing consideration of the motion of plaintiff Verizon
companies for a preliminary injunction and for an order compelling discovery. The Court

1 considered memoranda submitted by counsel for the parties, the other pleadings filed in this
2 action, and the Declaration of Jeffrey D. Goltz.

3 Based on the materials considered, the Court finds that the WUTC and its
4 Commissioners will be severely disadvantaged if they are not permitted to undertake limited
5 discovery as requested in order to respond to plaintiffs' motion for a preliminary injunction
6 and that the consideration of plaintiffs' motion for a preliminary injunction should be
7 continued pending such discovery.

8 Based on the above findings, and pursuant to Federal Rules of Civil Procedure
9 6(b) and 26(d), IT IS ORDERED:

10 1. The motion of defendants WUTC and its Commissioners is granted.

11 2. Plaintiff Verizon companies shall make available for deposition Ms. Maura
12 Breen in Seattle or Olympia, Washington, for deposition by the defendants.

13 3. Plaintiff Verizon companies shall make available for deposition by the
14 defendants in Seattle or Olympia, Washington, pursuant to F.R.C.P. 30(b)(6), a
15 representative or representatives who can testify to the current, planned future, and potential
16 future marketing, advertising, and other commercial speech activities of the Verizon
17 companies in Washington.

18 4. The hearing on plaintiffs' motion for a preliminary injunction currently noted
19 for consideration on December 13, 2002, is continued. Consideration of that motion is
20 rescheduled as follows:

21 a. Defendants' supplemental response to the motion, incorporating information
22 learned from the depositions, is due five business days after completion of the depositions.

23 ///

24 ///

25 ///

26 ///

1 ///

2 b. Plaintiffs' response to the defendants' supplemental response is due no later
3 than four business days after filing and service of defendants' supplemental response.

4 DATED this _____ day of December, 2002.

5
6

UNITED STATES DISTRICT JUDGE

7
8 PRESENTED BY:
9 CHRISTINE O. GREGOIRE
10 Attorney General

11

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