

**Docket Nos. TG-200650 and TG-200651 (Consolidated) -
Vol. III**

**Murrey's Disposal Co. Inc. v. Waste Management of
Washington, Inc.**

January 26, 2021



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

MURREY'S DISPOSAL CO., INC.,) DOCKETS TG-200650 and
) TG-200651 (Consolidated)
 Complainant,)
)
 vs.)
)
 WASTE MGMT. OF WASH., INC.,)
 WASTE MGMT. DISPOSAL SERVICES)
 OF OR., AND MJ TRUCKING &)
 CONTRACTING,)
)
 Respondents.) *Caption Continued*

VIRTUAL STATUS CONFERENCE, VOLUME III

Pages 116-141

ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL

January 26, 2021

10:10 a.m.

Washington Utilities and Transportation Commission
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2 ADMINISTRATIVE LAW JUDGE:

3 ANDREW O'CONNELL

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1 LACEY, WASHINGTON; JANUARY 26, 2021

2 10:10 A.M.

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4 P R O C E E D I N G S

5
6 JUDGE O'CONNELL: Let's be on the record.

7 Good morning. The time is approximately ten after 10:00
8 in the morning on Tuesday, January 26th, 2020. 2021, I
9 apologize.

10 My name is Andrew O'Connell. I am an
11 administrative law judge with the Washington Utilities
12 and Transportation Commission, and I am co-presiding in
13 these matters along with the Commissioners.

14 We're here today for a virtual status
15 conference is consolidated Dockets TG-200650 and
16 TG-200651 to discuss the procedure for these
17 consolidated dockets.

18 After this conference, I will issue an order
19 or a notice describing the procedural events and dates
20 that will apply going forward.

21 I sent some preliminary thoughts to the
22 parties and ask that they collaborate to determine if an
23 agreement on certain procedural events and dates could
24 be reached. We'll get to that in a moment.

25 First, let's move forward with appearances.

1 Let's begin with Murrey's Disposal.

2 MR. FASSBURG: Good morning, Your Honor.
3 Blair Fassburg here today with Dave Wiley, both at
4 Williams Kastner, representing the complainant, Murrey's
5 Disposal Company.

6 JUDGE O'CONNELL: Thank you.

7 And for respondents.

8 MS. GOLDMAN: Good morning, Your Honor.
9 Jessica Goldman from The Summit Law Group on behalf of
10 all of the respondents, and also with me is Andrew
11 Kenefick, in-house counsel for the Waste Management
12 respondents.

13 JUDGE O'CONNELL: Okay. Thank you.

14 So prior to this hearing, I sent a message
15 to the parties with some general expectations of a
16 schedule. I'd included that the parties consider dates
17 for the filing of written direct response and rebuttal
18 testimony followed by a hearing at which we would hear
19 any cross-examination.

20 I want to hear from the parties because the
21 Commission will consider whether it is more efficient
22 simply to have all witnesses testify at a single hearing
23 with exhibits filed a few weeks prior or any other
24 options for the producing of testimony and exhibits that
25 maybe the parties have discussed.

1 I'd also included the Commission's
2 expectation that the parties would likely want to move
3 for a summary determination at some point. If that is
4 the case, the Commission wants to consider setting dates
5 for simultaneous cross motions for summary determination
6 and response briefs followed by another conference to
7 determine a procedure going forward from there if the
8 Commission is unable to grant summary determination.

9 So with that, let me turn to the parties and
10 hear from them starting with Murrey's Disposal.

11 Mr. Fassburg, have you discussed a
12 procedural schedule with the respondents and what are
13 your thoughts about setting a date for cross motions for
14 summary determination?

15 MR. FASSBURG: Sure. So yes, Dave Wiley and
16 I spoke with Ms. Goldman yesterday to go over the
17 potential schedule. With your email in mind, from your
18 email, it appeared as though you preferred a schedule
19 that went ahead and set all dates. So without knowing
20 exactly when the hearing could be scheduled, we couldn't
21 fill in all of the potential dates. But I will say we
22 worked out ideas on how the schedule would work, and I
23 do believe both sides -- I can't speak for the
24 respondents, of course, but I think both sides would
25 prefer to attempt to resolve this via summary

1 determination.

2 I'll say for our part, we were awfully close
3 to agreeing on a stipulated record, and I'm not sure in
4 the end the facts will be in dispute. It may be just a
5 dispute about which facts are material, which means to
6 me that it's pretty ripe for summary determination.

7 And so we think after a short period for
8 discovery, we would be prepared to file a motion for
9 summary determination in approximately six weeks, but we
10 would definitely like the opportunity to do that before
11 going forward with preparing prefiled testimony and
12 having a live hearing.

13 But in the event for some reason the
14 Commission determines there is either a factual dispute
15 or it doesn't want to resolve the case on summary
16 determination, I think ideally we'd like to have the
17 hearing date and other scheduled dates in an order now
18 to avoid the potential delay that occurs if we wait to
19 schedule those things until we determine if these
20 dispositive motions will be successful.

21 So, again, without a hearing date, some of
22 these dates would be sort of hard to fill in now, but we
23 do have some proposed dates for motions for summary
24 determination, responses, and then the next phase.

25 JUDGE O'CONNELL: Okay. Ms. Goldman, what

1 are your thoughts?

2 MS. GOLDMAN: Yeah, I think I am generally
3 in agreement with Mr. Fassburg regarding the procedure
4 going forward. I -- and we do have some dates that we
5 discussed that would -- should work for both parties.

6 I -- there are two issues that I wanted to
7 flag for Your Honor. One is whether we need to file
8 cross motions for summary judgment. In court, the
9 responding party can effectively move for summary
10 judgment and the -- the court always had the authority
11 to grant summary judgment for the nonmoving party.

12 Given the amount of briefing that has been
13 done here, one idea I had was that they file their
14 motion and we respond, so there's -- instead of four
15 briefs, there are two. But that I wanted to make sure
16 that would preserve the -- your and the UTC's ability to
17 grant summary judgment for either party or if you would
18 prefer that we actually did four -- four briefs.

19 JUDGE O'CONNELL: Okay. This is something
20 that we've discussed, the summary -- the motions for
21 summary determination, and we do want to see it as cross
22 motions for summary determination, one from each side.

23 MS. GOLDMAN: Okay. So that settled that.

24 The other is -- and we can -- Blair can run
25 through the -- the dates that we were discussing, but

1 from our part we -- we want to make sure that -- that
2 you and the Commission have enough time to resolve the
3 summary determination motion before moving on to the
4 hearing. So we -- in that schedule we contemplated, we
5 built that time in, which was our guess, but we would
6 want to make sure that that's okay with you, that you
7 feel that that's enough time, because I don't think
8 either of the parties or any of the parties wants to
9 start taking those prehearing steps until we have a
10 determination from Your Honor as -- on the merits.

11 So those are really the only things that I
12 wanted to raise.

13 JUDGE O'CONNELL: That was going to be the
14 very next thing I was going to raise, because in hearing
15 the suggestion for setting all of the dates now, my
16 concern would have been the time allotted for the
17 Commission to make a decision. So that's going to be
18 something that I am going to take under advisement and
19 discuss with the Commissioners to discuss how much time
20 the Commission is going to need to make that decision
21 after we receive the motions and then the response
22 briefs.

23 So I can't give you an absolute answer right
24 now about how long is going to be sufficient. I'd like
25 to hear how much you built in already into your schedule

1 and then I can either give you some initial thoughts or
2 I can take it to the Commissioners, check with
3 Commission availability, as I would for all of the other
4 dates you might propose, and then I would issue a
5 procedural order or notice depending on which is the
6 most appropriate containing the dates that work for the
7 Commission.

8 I'm able to give you some feedback on the
9 availability for hearing dates. So let me -- let's --
10 let's go through the schedule that the parties have come
11 up with and then we'll see what we can do going from
12 there. Who would like to present that?

13 MR. FASSBURG: I'll -- I'll go ahead. And,
14 Your Honor, I'll point out the same thing I did to
15 Ms. Goldman yesterday when we were floating these dates,
16 which was that for Mr. Wiley and myself, we tend to
17 prefer deadlines that are in the middle of the week
18 rather than a Friday or a Monday. That may not seem
19 typical for others, but we often find that if it's on a
20 Friday, somehow that creates a crunch. If it's on a
21 Monday, that seems to create a different crunch. It
22 always just seems to work out a little better if it's
23 not on a bookend. So most of these dates I believe are
24 either a Tuesday or Wednesday.

25 But given the amount of time that we hope to

1 have for discovery and preparing a brief, the first
2 deadline we are suggesting for filing the cross motions
3 is March 16th, and then giving approximately three weeks
4 to each side to respond to the opposing motion, the next
5 response deadline would be April 7th. Your email
6 contemplated a settlement conference, and so we're
7 proposing that be on April 14th, and then the next
8 deadline that we believe would come up would be the
9 filing of prefiled direct testimony, and there is where
10 Ms. Goldman was correct, we agree there needs to be
11 enough time for the Commission to rule before we should
12 have to get to that step.

13 We contemplated about four weeks and/or
14 proposed May 4th. If the Commission wants more time
15 than four weeks, obviously that could bump back all of
16 the deadlines. But after May 4th, I know Ms. Goldman
17 wanted about a month before the respondents would file
18 their response testimony. And so the date we were
19 proposing was June 1st with rebuttal testimony due June
20 22nd, a deadline for service of data requests of June
21 29th, and then discovery period cutoff July 13.

22 All of the other dates are really in our
23 minds tied to the hearing date. And so the deadline for
24 cross-examination exhibits and exhibit lists and witness
25 lists really all just tie to the hearing date. So we

1 don't have specific dates there. I know we have ideas
2 about how those should be spaced to allow time for each
3 side to prepare for the hearing. I can give you that --
4 that timing if you'd like, but we don't have specific
5 dates.

6 JUDGE O'CONNELL: Yes.

7 MR. FASSBURG: So I know Ms. Goldman wanted
8 cross-exhibits time --

9 JUDGE O'CONNELL: Go ahead and give me that
10 timing so I know what your expectations are.

11 MR. FASSBURG: Right. So for the
12 complainants, we thought all of the cross-exhibits,
13 witness lists, and time estimates could be due a week
14 before the hearing. I know Ms. Goldman wanted two
15 weeks, and so we just wanted to put those two
16 alternative proposals to you. And then when it comes to
17 post-hearing briefs, we'd like at least 30 days after
18 the hearing for our simultaneous opening briefs with an
19 additional 20 days I believe it was for response briefs.
20 And then we -- I think both sides agree that we'd like
21 to have at least two days for the hearing. It may not
22 go two days, but there's a good chance it could.

23 JUDGE O'CONNELL: Okay. And what I'm going
24 to do now is just take a minute to quickly review what I
25 know of the Commission's calendars and see what dates

1 are available or might be available. All of this would
2 be subject to me checking and confirming with, you know,
3 our -- our scheduling at the Commission and with the
4 Commissioners as to availability.

5 MR. KENEFICK: Your Honor, this is Andrew
6 Kenefick for Waste Management. If I may make two
7 observations just as you think about this.

8 One observation, and I -- and I concede I
9 was not in the discussions yesterday with -- with
10 Mr. Fassburg. One question really is, is whether or not
11 on the motions for summary determination you would be
12 requesting oral argument. If that were the case, then
13 we'd probably have to find time in there to do that.

14 And then secondly, the time period from the
15 deadline for filing the responsive pleadings on the
16 motions for summary determination until the date of the
17 direct testimony is just under a month. So that's --
18 and obviously I think the parties would want to have,
19 you know, one or two weeks in -- notice if they -- if
20 they have to put out direct testimony.

21 So that's just a consideration. And I don't
22 want to -- I'm not going to upset the agreement that
23 Jessica and Mr. Fassburg came to, but it just a -- just
24 noting that that probably does create a little bit of a
25 compressed time schedule for the Commission to make a

1 decision if we hope to get a decision in time to forego
2 the time expense of putting together the direct
3 testimony.

4 JUDGE O'CONNELL: Okay. Thank you.
5 That's -- that's helpful. I understand that's a concern
6 and it's a reasonable concern. Two weeks would not be
7 enough time I'm positive for the Commission to consider
8 the cross motions for summary judgment and issue a
9 decision. And what I'm hearing is that if there's a
10 month that's set between the filing of response briefs
11 and the filing of direct testimony, that that might
12 not -- that the parties would probably like some more
13 warning whether they're going to need to file that.

14 Let me keep that in mind, and since it is
15 direct testimony, I will turn back to Mr. Fassburg in
16 just a moment to see what he thinks. Let me continue to
17 just look at the Commission's calendar.

18 Okay. Mr. Fassburg, let me -- let me hear
19 your thoughts about what Mr. Kenefick just brought up.

20 MR. FASSBURG: So if time were not a
21 concern, I would agree with that wholeheartedly in a
22 sense that we would want time after the order to prepare
23 our direct testimony so that we're not spending time on
24 that, and frankly, our client's money on that if it
25 turns out to be unnecessary.

1 At the same time, the -- the hearing
2 schedule will be protracted no matter what, and so we're
3 hoping not to do that if we can help it. And so
4 ultimately, it comes down to how much time does the
5 Commission really need to issue its order. If it needs
6 more than two weeks or three weeks, then we may want to
7 think about pushing back the dates a little bit, but I
8 know for the complainants, we don't want to protract
9 this any more than necessary.

10 JUDGE O'CONNELL: Understood.

11 Is -- if when I discuss with the
12 Commissioners and I look at the Commission's
13 availability, if we do want to push back the filing of
14 direct testimony by a week or two and subsequently move
15 back the -- well, and move back the subsequent dates by
16 a week or two, is -- is that running into any conflict
17 for the parties if we were to extend each of the
18 subsequent dates by the same amount of time or are there
19 conflicts that -- with parties that have been considered
20 in coming up with these particular dates?

21 MR. FASSBURG: I will say I don't personally
22 have any conflicts. I don't know that Mr. Wiley does,
23 and we didn't yet have a chance to confer with our
24 clients about hearing dates or availability for other
25 dates because the hearing date itself is obviously still

1 unknown. But I can say for the complainants, we're not
2 aware of any conflicts.

3 JUDGE O'CONNELL: Ms. Goldman?

4 MS. GOLDMAN: Yeah, that's the same for me,
5 Your Honor. I would want a heads-up on if you're going
6 to have a hearing on a summary judgment. That is
7 something I would precisely like to check my calendar.
8 But generally bumping these by a week or two would not
9 be a problem for me.

10 JUDGE O'CONNELL: Typically the Commission
11 does not hold oral argument --

12 MS. GOLDMAN: Okay.

13 JUDGE O'CONNELL: -- for motions for summary
14 determination, and we had not planned on having that in
15 this proceeding.

16 MS. GOLDMAN: Okay.

17 JUDGE O'CONNELL: So I think going forward
18 our expectation is not to have a hearing where there
19 would be oral argument. I think everything could be
20 done in writing given that we're -- we're allowing for
21 motions from both parties to make all of your arguments
22 and then response briefs to respond to the other
23 parties' arguments.

24 MR. WILEY: Your Honor, this is Dave Wiley.

25 I would say that I think once in my whole career of four

1 decades-plus at the Commission have they allowed oral
2 argument on motions in my experience, so I -- I totally
3 agree with you.

4 JUDGE O'CONNELL: Okay. So I -- I reviewed
5 the Commission's availability and judging by the -- the
6 discovery end date that the parties have given me until
7 middle of July, I would expect that we're looking at
8 somewhere in mid to late August for a potential hearing
9 or perhaps even the middle of September.

10 Given that the parties have not -- or sorry,
11 the representatives have not confirmed with all of the
12 parties' availability for a hearing date or for two
13 days, what I would propose is that I take some time to
14 determine availability for the Commission for a handful
15 of dates around that timeline of late August, early
16 September and -- and, you know, perhaps a week or two
17 later than that depending on what the Commission decides
18 to do with the direct testimony filing. And then I
19 would send those options to the parties and ask that the
20 parties collaborate and determine whether there is an
21 agreeable date for hearing among the options that the
22 Commission has available.

23 What are the parties' thoughts on that?
24 Mr. Fassburg.

25 MR. FASSBURG: I think that makes a lot of

1 sense. Obviously this year being a little different
2 with vacation schedules, but nonetheless kids are out of
3 school then and we'd like to make sure witnesses will be
4 available, so I like that.

5 JUDGE O'CONNELL: Ms. Goldman?

6 MS. GOLDMAN: Your Honor, I have a college
7 student who I'm very much hoping to return out of my
8 house to college in August, and I have no idea when
9 that's going to happen. So my preference, my strong
10 preference given that I just don't know what that will
11 be will be to push it into the second week of September
12 or later to give me the wiggle room needed that I'm
13 going to have to drive. So that would be my request.

14 JUDGE O'CONNELL: That may be necessary
15 anyway depending on what the Commission decides to do
16 with the direct testimony filing date. But I understand
17 that and, you know, we'll try to come up with a hearing
18 date that works for everyone, all parties and their
19 representatives, and I would like that date to be
20 agreeable for all parties. But at the end of the day,
21 we're going to set a date determined based upon the
22 Commission's availability is the primary concern.

23 So what I would like to do, I would like to
24 take the dates that the parties have proposed under
25 advisement. I will discuss them with the Commissioners

1 and confirm with Commission availability in, you know,
2 that timeframe of late August, September. If it gets
3 pushed back by a couple weeks, it might be even late
4 September.

5 So I'm going to be giving the parties
6 several options based upon what the Commission decides
7 we want to do with the direct testimony filing and the
8 Commission's availability for a hearing in that
9 timeframe.

10 We will take into consideration conflicts
11 that the parties bring up like thank you, Ms. Goldman,
12 we will -- we will take that into consideration your
13 concern. I will get those options and I will send them
14 to the parties via email, and then I will use the
15 information from the parties as to whether there can be
16 agreement on any of those dates, and then I will include
17 that in a procedural order which will memorialize the
18 dates and outline them for going forward in this
19 proceeding.

20 So with that understanding, is there
21 anything else that we should discuss today?

22 MR. FASSBURG: Nothing from the
23 complainants.

24 MS. GOLDMAN: Nothing from the respondents.
25 Thank you, Your Honor.

1 MR. KENEFICK: Andrew Kenefick from Waste
2 Management. I am trying to recall whether we had a
3 protective order put in place, because as we will be
4 entering into a discovery phase and I would be expecting
5 a discovery that might be inquiring into proprietary
6 information, competitive information, we are competitors
7 obviously, that we have a protective order.

8 I concede I am not as familiar with the
9 protective order procedures as I know Mr. Wiley would
10 be, but I know we would want to be seeking a protective
11 order with respect to competitive information.

12 JUDGE O'CONNELL: Well, before I hear from
13 Mr. Wiley and Mr. Fassburg from the respondents, am I --
14 I want to confirm that I understand what I'm hearing,
15 that you expect that discovery may likely include
16 information that is confidential or sensitive in a
17 business nature; is that correct?

18 MR. KENEFICK: Correct.

19 JUDGE O'CONNELL: Okay.

20 MR. KENEFICK: Yes.

21 JUDGE O'CONNELL: And would -- Mr. Fassburg,
22 I'm not sure if you're familiar with the different types
23 of protective orders that the Commission typically
24 issues. Would a standard protective order from the
25 Commission satisfy your concerns, which is it contains

1 provisions for the sharing of confidential information,
2 but not highly confidential information, which is an
3 additional protection, which from what I'm hearing from
4 you does not apply, but I want to ask if a standard
5 protective order would resolve your concerns.

6 MR. FASSBURG: So in terms of the different
7 forms of the Commission orders, Mr. Kenefick was right
8 that Mr. Wiley is certainly the expert on that topic. I
9 will say I wouldn't imagine it would need to be anything
10 protecting highly confidential information. And I think
11 if I -- if I understand correctly, it won't be my
12 client's information that will be at issue in this
13 proceeding. If Mr. Kenefick believes they need a
14 protective order and that a standard protective order is
15 sufficient, I imagine it would be.

16 The information we're seeking won't include
17 the proprietary information I don't believe. We will be
18 seeking documents that would likely include proprietary
19 information. And so if -- if a standard protective
20 order gives him that protection, I think it's probably
21 adequate.

22 Dave, do you have anything you wanted to
23 chime in on?

24 MR. WILEY: Yes, I -- I concur with that
25 analysis, and I have not seen a highly confidential

1 protective order ever issued in a transportation case.
2 So I -- I can't imagine that -- that there's anything
3 but a conventional one that issues -- the form order,
4 Your Honor, that -- that issues typically.

5 JUDGE O'CONNELL: Mr. Wiley --
6 [Multiple speakers.]

7 MR. KENEFICK: If I could --

8 JUDGE O'CONNELL: Mr. Kenefick, go ahead.

9 MR. KENEFICK: Yes, if -- it -- it may be
10 fine to have a -- and I'm -- I'm not a student of the
11 protective order, so the -- the major concern I have is
12 that if Murrey's insists upon Waste Management or the
13 haulers disclosing pricing information, that
14 information -- and they insist on that being disclosed
15 without it being redacted from documents, then we would
16 need to have a protective order that would preclude them
17 from sharing it even with their clients, because
18 obviously if their clients know what pricing we've
19 offered to customers, that would put us into a
20 significant competitive disadvantage.

21 On the other hand, if we're going into this
22 acknowledging that pricing information should it --
23 should it appear in a document requested could be
24 redacted and they're not going to be fighting over
25 whether or not we have to produce pricing information to

1 the attorneys representing Murrey's that might be shared
2 with the Murrey's clients themselves. You know, if the
3 redaction is fine, then just I -- I assume a regular
4 protective order would be adequate.

5 JUDGE O'CONNELL: Let me -- let me step in
6 here to explain. The Commission's standard protective
7 order has two appendices. One is an attorney agreement
8 for being able to view confidential -- or information
9 that is marked confidential.

10 The second is a nondisclosure agreement for
11 a witness to view things that have been marked as
12 confidential.

13 The -- the -- the company that the
14 nondisclosure agreement protects would have the ability
15 to object to either being -- to any nondisclosure
16 agreement being signed and submitted. And there's a
17 procedure for that that is outlined in what would --
18 what I would issue as the protective order.

19 So when you're talking about information
20 that you wouldn't want to be available to some witnesses
21 but perhaps to attorneys, you, Mr. Kenefick, the company
22 would be able to object to someone who has signed a
23 nondisclosure agreement being able to access that
24 information.

25 MR. KENEFICK: Okay. Thank you.

1 JUDGE O'CONNELL: Let me check back with
2 you. Does that satisfy your concerns knowing that you
3 would be able to know who would be seeing what?

4 MR. KENEFICK: Yes, that -- that sounds
5 right. And I'm also operating on the assumption that
6 even Murrey's lawyers would not be insisting on seeing
7 the pricing information, but they would simply want to
8 understand the contractual relationships.

9 JUDGE O'CONNELL: Okay. Well, let's do it
10 this way. From what I've heard from the parties, I
11 think there's cause to issue a protective order. If it
12 turns out that the Commission's standard protective
13 order is insufficient, the respondents could always move
14 for a highly confidential protective order. From what
15 I've seen, heard, or read of any transportation case
16 they usually don't have a highly confidential protective
17 order. But the Commission does -- is familiar with them
18 through other cases at the Commission. So that's why I
19 brought it up and I apologize if it's added confusion
20 for this, but --

21 MR. KENEFICK: Thank you, Your Honor. That
22 should be adequate.

23 JUDGE O'CONNELL: Okay. Thank you.

24 Okay. So I will issue a protective order in
25 these consolidated dockets shortly, within a few days,

1 because I understand that discovery's going to begin.

2 Okay. With that plus how I discussed I'm
3 going to move forward with the proposed dates for a
4 procedural schedule moving forward, is there anything
5 else from the parties we should discuss at this
6 conference?

7 Ms. Goldman.

8 MS. GOLDMAN: No, Your Honor, we're fine.
9 Thank you so much for your time.

10 JUDGE O'CONNELL: Okay.

11 MR. KENEFICK: Your Honor, it appears that
12 Mr. Fassburg, we may have lost him.

13 MR. WILEY: I'm here.

14 JUDGE O'CONNELL: Mr. Wiley?

15 MR. WILEY: Yes, nothing else from the
16 complainants, Your Honor, at this stage.

17 JUDGE O'CONNELL: Okay. Okay. Thank you.
18 Then with that, we will be adjourned for today. Thank
19 you and we're off the record.

20 (Adjourned at 10:41 a.m.)

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STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358