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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STERICYCLE OF WASHINGTON, INC.,  
Complainant,  
v.  
WASTE MANAGEMENT OF WASHINGTON,  
INC., d/b/a WM HEALTHCARE SOLUTIONS  
OF WASHINGTON,  
Respondent.

Docket No. TG-121597

**DECLARATION OF JESSICA L.  
GOLDMAN IN OPPOSITION TO  
STERICYCLE'S MOTION FOR THIRD  
PARTY DISCOVERY**

I, Jessica L. Goldman, declare as follows:

1. I am counsel for Waste Management in this matter and I make this declaration based on personal knowledge.


2. Attached hereto as Exhibit 1 is a true and correct copy of Complainant Stericycle of Washington, Inc.'s First Data Requests to Applicant Waste Management **and Objections and Responses Thereto** dated May 6, 2013.

3. Attached hereto as Exhibit 2 is a true and correct copy of a July 16, 2013 email from Kristen Oxwang to Jared Van Kirk.

4. Attached hereto as Exhibit 3 are true and correct copies of excerpts of Jeff Norton's July 17, 2013 deposition transcript.

1 I declare under penalty of perjury under the laws of the State of Washington and the United  
2 States that the foregoing is true and correct.

3 EXECUTED this 26th day of July, 2013 at Seattle, Washington.

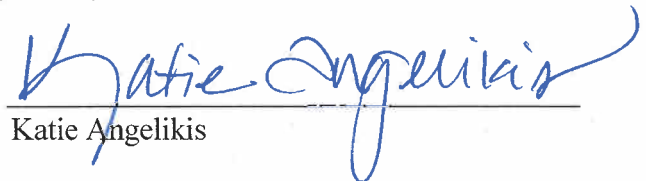
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6 Jessica L. Goldman

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method indicated below, pursuant to WAC 480-07-150.

Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW PO Box 47250 Olympia, WA 98504-7250 360-664-1160 <a href="mailto:records@utc.wa.gov">records@utc.wa.gov</a>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Email
Adam E. Torem Administrative Law Judge Washington Utilities and Transportation Commission <a href="mailto:atorem@utc.wa.gov">atorem@utc.wa.gov</a>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Steven W. Smith Attorney General's Office of Washington PO Box 40128 Olympia, WA 98504 (360) 664-1225 <a href="mailto:ssmith@utc.wa.gov">ssmith@utc.wa.gov</a>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Stephen B. Johnson Jared Van Kirk Garvey Schubert Barer 1191 Second Avenue, Suite 1800 Seattle, WA 98101 (206) 464-3939 <a href="mailto:sjohnson@gsblaw.com">sjohnson@gsblaw.com</a> <a href="mailto:jvankirk@gsblaw.com">jvankirk@gsblaw.com</a> <a href="mailto:vowen@gsblaw.com">vowen@gsblaw.com</a> <a href="mailto:dbarrientes@gsblaw.com">dbarrientes@gsblaw.com</a> <i>Attorneys for Stericycle of Washington, Inc.</i>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
James K. Sells 3110 Judson Street Gig Harbor, WA 98335 (360) 981-0168 <a href="mailto:jamesells@comcast.net">jamesells@comcast.net</a> <a href="mailto:cheryls@rsulaw.com">cheryls@rsulaw.com</a> <i>Attorneys for Washington Refuse and Recycling Association</i>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Seattle, Washington, this 26th day of July, 2013.



Katie Angelikis

# **EXHIBIT 1**

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

STERICYCLE OF WASHINGTON, INC.,

Complainant,

v.

WASTE MANAGEMENT OF WASHINGTON,  
INC., d/b/a WM HEALTHCARE SOLUTIONS  
OF WASHINGTON,

Respondent.

Docket No. TG-121597

COMPLAINANT STERICYCLE OF  
WASHINGTON, INC.'S FIRST DATA  
REQUESTS TO APPLICANT WASTE  
MANAGEMENT **AND OBJECTIONS**  
**AND RESPONSES THERETO**

TO: WASTE MANAGEMENT OF WASHINGTON, INC.

Pursuant to WAC 480-07-400, 480-07-410, and Order 04 in the above captioned proceeding, Complainant Stericycle of Washington, Inc. ("Stericycle") propounds the following data requests to Respondent Waste Management of Washington, Inc. ("Waste Management" or "Respondent").

**INSTRUCTIONS AND DEFINITIONS**

These data requests are continuing in nature, and if you obtain additional or different information after responding to them, you are required to file a supplemental response through the date of hearing. Each document requested in these data requests must be produced for inspection and copying at the offices of Garvey Schubert Barer, 1191 Second Avenue, 18th Floor, Seattle, Washington, or provided by some other mutually agreed method. Any electronic record requested in these data requests must be produced in a form and manner that is readable by conventional means and that preserves the record's metadata, including but not limited to title and subject, creation and modification dates, authors and editors, and sent and received dates. Any electronic records must be produced on a CD-ROM, DVD, or a portable hard drive.

If you object to answering any data request, in whole or in part, state your objections and state with particularity all of the factual and legal reasons supporting your objection in lieu of your answer. If you object on the ground of privilege, also state with particularity the nature and

COMPLAINANT STERICYCLE OF WASHINGTON,  
INC.'S FIRST DATA REQUESTS TO APPLICANT  
WASTE MANAGEMENT **AND OBJECTIONS AND**  
**RESPONSES THERETO – PAGE 1**

extent of all allegedly privileged matters and identify with specificity all allegedly privileged documents. If you object to answering only part of the data request, specify the part to which you object and answer the remainder. Any objection that is not so asserted will be deemed waived.

Whenever the context in which words used in these data requests indicates or suggests that such is the intent, words in the singular shall include the plural and vice versa, words in masculine, feminine or neuter shall include each of the other genders, and the words "and" and "or" shall each mean "and/or" and be given their maximum inclusive intent.

In addition, whenever the terms set forth below appear herein, they shall be construed in accordance with the following definitions:

(1) "Documents" means any written, recorded or other graphic matter, however produced or reproduced. If a document has been prepared in several copies, or if additional copies have been made, and the copies are not identical or have undergone alteration, then each non-identical copy is a separate "document." This definition includes any paper, writing, correspondence, chart, memorandum, note, letter, report, study, statement, drafts or revision of materials, map, log entry, ledger, periodical, book, drawing, diagram, photograph, film or video recording, sketch, picture, tape recording, electronic document, email, minutes, resolution, witness statement, diagram, graph, notice, statement of account, invoice, bill, check or draft, calendar, diary, notebook, printout, file, contract or other agreement, or any other record of any type or description, and any other verbal or pictorial representation of any event or idea which has transpired, whether meant for communication to others or for personal use. "Documents" includes any record preserved in electronic form.

(2) "Communication" means any transmission of information, in any form, or in any medium, including, without limitation, documents incorporating, summarizing, or describing the contents of the transmission, meetings and discussions, telephone conversations, electronic communications, telegraphic communications, or any document containing a recording, transcription, summary or description or identifying the time, place, subject matter, medium of transmission, and/or participants in the transmission.

(3) "Person" means all entities, including any individual, firm, partnership, joint venture, corporation, association or other business enterprise.

(4) “Respondent,” “You,” or “Your” means Waste Management of Washington, Inc.

(5) “Affiliates” means Waste Management of Washington, Inc.’s direct and indirect parent companies, subsidiaries, Affiliated Companies, and other persons acting on its behalf. In this definition, “Affiliated Companies” means all entities that provide or may provide financial, capital, management, operational, or other support to Waste Management of Washington, Inc., and/or with which Waste Management of Washington, Inc. has or may contract or collaborate in offering or providing any of its current or proposed Services.

(6) “Biomedical Waste” shall have the meaning given in RCW § 70.95K.010(1).

(7) “Biomedical Waste Services” means all collection, transportation, treatment, or disposal services involving or relating to biomedical waste as that term is defined in RCW § 70.95K.010, and any and all separate components or elements of such services.

(8) “Recycling Services” means all collection, transportation, processing, or other services involving or relating to recyclable materials as that term is defined in RCW § 70.95.030(17), and any and all separate components or elements of such services.

(9) “Services” means all collection, transportation, treatment, recycling, disposal, consulting, or other services involving or relating to any recyclable materials, garbage, refuse, or solid waste.

(10) “Identify,” when referring to a person, requires that you give the person’s name, business or occupation, job title or description, employer, business address, business telephone, and business email address.

(11) “Identify,” when referring to an organization, means to give the legal name of the organization, any business or assumed name under which it does business, the address of its principal place of business, its web-site, and the office or offices of such entity which are involved in the transaction about which the data request is seeking information.

(12) “Identify,” when referring to a Document, requires that you describe the document (i.e., whether it is a letter, memorandum, contract, etc.) and give its date, the name(s) or the person(s) who prepared it and the name(s) of the person(s) whose signatures are affixed or for whom signature lines were prepared if the document was unsigned, and a summary of the document’s contents, and also requires that you identify all persons known to you to have control or possession of such document or copies thereof.

(13) “Relating to” or “Related to” as used in these data requests, means all matters or things which in any way discuss, pertain to, concern, regard, are logically or factually connected to, arise from, summarize, evidence, bear upon, support, negate, refer, or comment upon the subject of inquiry.

(14) “Describe” means to set out in detail every aspect of every fact, circumstance, act, omission, or course of conduct known to You, relating in any way to the matter inquired about, including, without limitation, the date and place, all information necessary to Identify each person present or connected with, or who has knowledge of the matter inquired about and any Documents Relating to the matter inquired about, and if anything was said by any person, the all information necessary to Identify each such person and each such statement, and if the statement in whole or in part was contained, reported, summarized or referred to in any Documents, all information necessary to Identify each such document.

#### **GENERAL OBJECTIONS**

1. Waste Management of Washington, Inc. (“WMW”) objects to the above instructions to the degree they request supplementation beyond that which is required by the Washington Administrative Code.
2. WMW objects to these discovery requests to the degree that they request information maintained by WMW “Affiliates” over which WMW has no control.
3. WMS objects that Definition (11) is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.
4. WMW objects that Definition (12) is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.
5. WMW objects that the request in Definition (14) for “every aspect of every fact” is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.



6. WMW objects to these Data Requests to the degree they seek information about customers of WMW "Affiliates" outside the State of Washington as being overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

7. WMW objects to these Data Requests to the degree they seek information or documents which are not in the possession or subject to the control of WMW or WM Healthcare Solutions, Inc. Pursuant to Order 04 in this proceeding, on April 23, 2013, Tim Tucker of WM Healthcare Solutions, Inc. advised Talco Plastics, Inc. of these Data Requests. Robert Petty of Talco responded that Talco could not produce the requested information or documentation due to a nondisclosure agreement between Talco and Becton Dickinson. On April 23, 2013, Michael McInerney of WM Healthcare Solutions, Inc. advised Becton Dickinson Vice President Ranjeet Banerjee of the Data Requests and has not received any response from Becton Dickinson.

8. WMW objects to these Data Requests to the degree that they seek documents which reflect confidential business information or trade secrets. WMW will file a motion for a protective order pursuant to WAC 480-07-420.

### **DATA REQUESTS**

#### **DATA REQUEST NO. 1:**

Identify all entities to whom Waste Management has solicited, offered, and/or provided Biomedical Waste Services and to whom Waste Management has also solicited, offered, and/or provided Recycling Services from January 1, 2010 to the present.

#### **RESPONSE:**

Without waving its General Objections, WMW responds:

1. Northwest Hospital  
1550 N 115<sup>th</sup> Street  
Seattle, WA 98133
2. Valley Medical Center  
400 S 43<sup>rd</sup> Street  
Renton, WA 98055

3. Virginia Mason Medical Center  
1100 Ninth Avenue  
Seattle, WA 98101
4. Skagit Valley Hospital  
1415 E Kincaid  
Mount Vernon, WA 98273

**DATA REQUEST NO. 2:**

For each entity Identified in response to Data Request No. 1 and for the period from January 1, 2010 to the present, (a) Identify the dates of each solicitation, offer, or agreement to provide Biomedical Waste Services or Recycling Services, (b) Identify the names of all individuals involved in or known by Waste Management to be aware of each solicitation, offer, or agreement to provide Biomedical Waste Services or Recycling Services, (c) Describe each Identified individual's involvement in or awareness of each solicitation, offer, or agreement to provide Biomedical Waste Services or Recycling Services, and (d) Identify the dates, if any, when the provision of Biomedical Waste Services and/or Recycling Services commenced and terminated.

**RESPONSE:**

Without waving its General Objections, WMW responds:

1. Northwest Hospital:

- (a) Northwest Hospital has been a recycling customer of WMW since before 2010. WMW provided Northwest Hospital a service agreement for medical waste services on January 1, 2012 and which was executed by Northwest Hospital on February 15, 2012. WMW began providing medical waste services to Northwest Hospital in June 2012. See WM000210-12 and WM000259-63 produced in TG-120033 and the confidential documents which will be produced subject to a protective order.

- (b) Juan Escalante: Manager, Environmental Services, 206.368.2125, [juan.escalante@nwhsea.org](mailto:juan.escalante@nwhsea.org).

Rose Hong: Director, Facilities Services, [rose.hong@nwhsea.org](mailto:rose.hong@nwhsea.org).

Jeff Norton: WM Healthcare Solutions, Inc., Account Development Manager (c/o Summit Law Group).

Jason Mladenich: WM Healthcare Solutions, Inc., Program Manager, no longer with WM Healthcare Solutions, Inc.

Mike Jefferies: WM of Oregon, Pricing Manager Pacific NW (c/o Summit Law Group).

- (c) Mr. Escalante was the main contact for Northwest Hospital during the entire process and he worked with Ms. Hong directly after meeting with Mr. Norton.

Ms. Hong had a few meetings with Mr. Norton, one prior to the contract being signed and a couple meetings regarding the contract language and execution.

Mr. Norton met with the Northwest Hospital representatives and was involved throughout the process.

Mr. Mladenich was present at some of the meetings with the Northwest Hospital representatives.

Mr. Jefferies approved the pricing for the single stream recycling.

- (d) WMW began providing medical waste services to Northwest Hospital on June 1, 2012.

2. Valley Medical Center:

- (a) Valley Medical Center has been a recycling customer of WMW since before 2010. WMW had preliminary discussions with Valley Medical Center about medical waste services in January 2011. *See* WM000690-92 produced in TG-120033 and the confidential documents which will be produced subject to a protective order.

- (b) Jeremy Wyatt: Supervisor, Preoperative Services, 425.228.3440 ext. 6399, [Jeremy\\_wyatt@valleymed.org](mailto:Jeremy_wyatt@valleymed.org).

Neal Trebbe: Manager, Environmental Services, 425.656.5314, [Neal\\_Trebbe@valleymed.org](mailto:Neal_Trebbe@valleymed.org).

Jesse Helin: WMW, Outside Sales Representative (c/o Summit Law Group).

Jeff Norton: WM Healthcare Solutions, Inc., Account Development Manager (c/o Summit Law Group).

- (c) Mr. Wyatt met with Mr. Norton to discuss the “green team” and recycling services.

Mr. Trebbe met with Mr. Norton in the summer of 2010 to discuss medical waste services.

Mr. Helin worked with Mr. Norton to assist in regards to recycling services for Valley Medical Center including single stream, construction, and organics.

Mr. Norton worked with Mr. Wyatt to help increase recycling for on-campus and off-campus facilities.

(d) WMW has not provided medical waste services to Valley Medical Center.

3. Virginia Mason Medical Center:

(a) On July 1, 2011, WMW provided a proposal to Virginia Mason Medical Center. In early 2012, WMW provided Virginia Mason Medical Center an updated bid to provide recycling and medical waste services. *See also* WM000210-12 produced in TG-120033.

(b) Andy Flodin: Administrative Director Support Services, 206.341.1838, Andrew.Floding@vmmc.org.

Kelly Macy: Waste Management Recycle America, Recycling Subject Matter Expert (c/o Summit Law Group).

Jeff Norton: WM Healthcare Solutions, Inc., Account Development Manager (c/o Summit Law Group).

(c) Mr. Flodin has knowledge that WMW's recycling bid matched Virginia Mason's then-current service arrangement and that WMW's medical waste bid was at tariff rates.

Mr. Macy has knowledge that WMW's recycling bid matched Virginia Mason's then-current service arrangement and he approved the pricing.

Mr. Norton worked on and coordinated the proposal for multiple services at Virginia Mason Medical Center, including communicating with Mr. Flodin.

(d) WMW has not provided recycling or medical waste services to Virginia Mason.

4. Skagit Valley Hospital:

(a) In early 2010, WMW bid to provide various waste services to Skagit Valley Hospital including recycling and medical waste collection. On October 15, 2011, WMW entered into a contract to provide these services. In November 2011, WMW began providing both services. *See* WM000219-56 produced in TG-120033.

(b) Rob Spohn: No longer with Skagit Valley Hospital and contact information is not known.

Richard Delaney: Director of Facilities, rdelaney@skagitvalleyhospital.org.

Phil Holboy: Finance Director, pholboy@skagitvalleyhospital.org.

Bill Thomas: Director, Materials Management, 360.428.8264, wthomas@skagitvalleyhospital.org.

Jason Mladenich: WM Healthcare Solutions, Inc., Program Manager, no longer with Waste Management Healthcare Solutions.

Mike Spicer: WM Healthcare Solutions, Inc., Program Manager (c/o Summit Law Group).

Carlton Paulmier: WMW, District Manager (c/o Summit Law Group).

Jeff Norton: WM Healthcare Solutions, Inc., Account Development Manager (c/o Summit Law Group).

Matt Lange: WM Healthcare Solutions, Inc., Territory Representative, no longer with WM Healthcare Solutions, Inc.

Penny Lane: WM Healthcare Solutions, Inc., Revenue Manager/Set Up Manager, no longer with WM Healthcare Solutions, Inc. (c/o Summit Law Group).

- (c) Mr. Spohn has knowledge about the entire process from sales to execution. He was the direct contact for this bid and the ongoing services until he left in October 2011.

Mr. Delaney has knowledge about the services on a macro level. Mr. Spohn reported to Mr. Delaney and filled him in regarding the progress of the services.

Mr. Holboy was directly involved in the invoicing and finalization of the agreement.

Mr. Thomas was present at a couple of meetings with Messrs. Norton, Mladenich, and Spohn.

Mr. Mladenich was present at most meetings with Skagit Valley Medical Center prior to and during implementation and execution of the agreement.

Mr. Spicer took over for Mr. Mladenich in June 2012 as the Program Manager responsible for managing the waste streams at Skagit Valley Hospital.

Mr. Paulmier assisted in setting up the recycling services for Skagit Valley Hospital.

Mr. Norton was the main contact, along with Mr. Mladenich, prior to and during the implementation of services at Skagit Valley Hospital.

- (d) *See (a).*

**DATA REQUEST NO. 3:**

For each entity Identified in response to Data Request No. 1 and for the period from January 1, 2010 to the present, Describe (a) the terms and conditions, written, oral, or in practice, of each solicitation, offer, or agreement to provide Biomedical Waste Services and (b) the terms and conditions, written, oral, or in practice, of each solicitation, offer, or agreement to provide Recycling Services.

**RESPONSE:**

Without waving its General Objections, WMW responds:

1. Northwest Hospital: The terms and conditions are set forth in the agreement which was produced in TG-120033 at WM000259-263. WMW proposed that if Northwest Hospital contracted for three services with WMW, WMW would also provide tracking and on-site auditing to help reduce solid waste and medical waste and increase recycling.
2. Valley Medical Center: No terms were discussed.
3. Virginia Mason Medical Center: WMW's proposal was produced in TG-120033 at WM000264-67.
4. Skagit Valley Hospital: The terms and conditions are set forth in the agreement which was produced in TG-120033 as WM000219-56.

**DATA REQUEST NO. 4:**

Produce all Communications Related to each solicitation, offer, or agreement to provide Biomedical Waste Services or Recycling Services Identified in response to Data Request Nos. 2 and 3. The records produced should include, but not be limited to, all responsive Communications involving Waste Management's employees or representatives, employees or representatives of any Affiliate of Waste Management, and employees or representatives of any third party entity, including the entities Identified in response to Data Request No. 1.

**RESPONSE:**

Without waving its General Objections, *see* the documents produced in TG-120033 and the confidential documents which will be produced upon the issuance of a protective order.

**DATA REQUEST NO. 5:**

Describe any undocumented Communications Related to each solicitation, offer, or agreement to provide Biomedical Waste Services or Recycling Services Identified in response to Data Request Nos. 2 and 3. These Communications should include, but not be limited to, all responsive Communications involving Waste Management's employees or representatives, employees or

representatives of any Affiliate of Waste Management, and employees or representatives of any third party entity, including the entities Identified in response to Data Request No. 1.

**RESPONSE:**

Without waiving its General Objections, Waste Management is not aware of any additional responsive information.

**DATA REQUEST NO. 6:**

Produce all Documents Related to each solicitation, offer, or agreement to provide Biomedical Waste Services or Recycling Services identified in response to Data Request Nos. 2 and 3. The records produced should include, but not be limited to, all responsive notes, logs, or reports of such solicitations, offers, or agreements and all offers, term sheets, proposed, draft or final contracts or agreements, or other Documents specifying or identifying the terms and conditions of each solicitation, offer, or agreement to provide Biomedical Waste Services or Recycling Services.

**RESPONSE:**

Without waiving its General Objections, *see* the documents produced in TG-120033 and the confidential documents which will be produced upon the issuance of a protective order.

**DATA REQUEST NO. 7:**

Describe all rates and/or other economic terms and conditions of Recycling Services and/or bundled services that include Recycling Services that were offered and/or provided by Waste Management at all times during the period from January 1, 2010 to the present to any entity who was solicited, offered, or provided Biomedical Waste Services from Waste Management at any time during that period. Please Identify the rates and/or other economic terms and conditions offered or provided by date or date range and by the biomedical waste generator to whom they were offered or provided.

**RESPONSE:**

Without waving its General Objections, *see* WMW's responses to each of the Data Requests above.

**DATA REQUEST NO. 8:**

Produce all Documents and Communications Relating to the rates and/or other economic terms and conditions of Recycling Services and/or bundled services that include Recycling Services that were Identified and Described in response to Data Request No. 7. The Documents and Communications produced should include, but not be limited to, internal Documents and Communications of Waste Management or any Affiliate of Waste Management.

**RESPONSE:**

Without waving its General Objections, *see* WMW's responses to each of the Data Requests above.

**DATA REQUEST NO. 9:**

Produce copies of all non-identical invoices during the period from January 1, 2010 to the present for Recycling Services, Biomedical Waste Services, and/or bundled services that include Recycling Services or Biomedical Waste Services that Waste Management provided to any biomedical waste generator receiving both Recycling and Biomedical Waste Services from Waste Management at any time during that period, and which specify or identify the rates and/or other economic terms and conditions of those services.

**RESPONSE:**

Without waiving its General Objections, *see* the documents which will be produced upon the issuance of a protective order.

**DATA REQUEST NO. 10:**

Produce all Documents and Communications Relating to Waste Management's goals, strategy, tactics, and/or practices for marketing and selling Recycling and Biomedical Waste Services, or bundled Recycling and Biomedical Waste Services, to biomedical waste generators. The Documents and Communications produced should include, but not be limited to, internal Documents and Communications of Waste Management or any Affiliate of Waste Management.

**RESPONSE:**

Without waving its General Objections, *see* WMW's responses to each of the Data Requests above.

**DATA REQUEST NO. 11:**

Identify all employees of Waste Management or any Affiliate of Waste Management whose responsibilities include the marketing or sales of Recycling and Biomedical Waste Services, or bundled Recycling and Biomedical Waste Services, to biomedical waste generators, and briefly Describe each such employee's responsibilities.

**RESPONSE:**

Without waving its General Objections, *see* responses to Data Request No. 2 above. In addition, *see* below:



Jeff Norton: WM Healthcare Solutions, Inc., Account Development Manager (c/o Summit Law Group). Mr. Norton supports the northwest market area (WA, OR, ID, northern CA, NV, British Columbia) outside sales representatives with any major healthcare group and sales of all waste streams to universities. He also assists with national account bids when medical waste is involved.

**DATA REQUEST NO. 12:**

Describe the terms and conditions, formalized and in practice, of the relationships, agreements, or contracts Relating to the BD ecoFinity Life Cycle Solution sharps program between (a) Waste Management and any Waste Management Affiliate, (b) Waste Management (including any of its Affiliates) and Becton Dickinson or any affiliate of Becton Dickinson, (c) Waste Management (including any of its Affiliates) and Talco Plastics or any affiliate of Talco Plastics, and (d) Becton Dickinson or any affiliate of Becton Dickinson and Talco Plastics or any affiliate of Talco Plastics.

**RESPONSE:**

Without waving its General Objections, upon the issuance of a protective order, WMW will produce the agreement between Becton, Dickinson and Company and WM Healthcare Solutions, Inc. dated April 5, 2011.

**DATA REQUEST NO. 13:**

Identify and Produce all contracts, agreements, or other documentation of relationships Relating to the BD ecoFinity Life Cycle Solution sharps program between (a) Waste Management and any Waste Management Affiliate, (b) Waste Management (including any of its Affiliates) and Becton Dickinson or any affiliate of Becton Dickinson, (c) Waste Management (including any of its Affiliates) and Talco Plastics or any affiliate of Talco Plastics, and (d) Becton Dickinson or any affiliate of Becton Dickinson and Talco Plastics or any affiliate of Talco Plastics.

**RESPONSE:**

Without waving its General Objections, *see* the documents produced in TG-120033 and the confidential documents which will be produced upon the issuance of a protective order.

**DATA REQUEST NO. 14:**

Describe all payments, whether monetary, in-kind transfers of goods or services, or other transfer of economic benefits, Relating to the BD ecoFinity Life Cycle Solution sharps program between (a) Waste Management and any Waste Management Affiliate, (b) Waste Management (including any of its Affiliates) and Becton Dickinson or any affiliate of Becton Dickinson, (c) Waste Management (including any of its Affiliates) and Talco Plastics or any affiliate of Talco Plastics, and (d) Becton Dickinson or any affiliate of Becton Dickinson and Talco Plastics or any affiliate of Talco Plastics.

**RESPONSE:**

WMW objects to this Data Request to the degree it seeks information about customers outside the State of Washington. Without waving this objection and its General Objections, WMW is charged 15¢/pound of raw recycling waste by Waste Management of Southern California, Inc. for processing at the Waste Management Vernon, CA facility. At its expense, Talco Plastics collects the processed material from the Vernon, CA facility and delivers it for further processing to the Talco Plastics facility in Corona, CA. Becton Dickinson remits to WM Healthcare Solutions, Inc. 5¢/pound of processed material obtained by Talco Plastics from the Vernon, CA facility.

**DATA REQUEST NO. 15:**

Describe any payments, whether monetary, in-kind transfers of goods or services, or other transfer of economic benefits, Relating to the BD ecoFinity Life Cycle Solution sharps program and/or recyclable materials processed or produced by that program that were not described in response to Data Request No. 14.

**RESPONSE:**

WMW objects to this Data Request to the degree it seeks information about customers outside the State of Washington. Without waiving this objection and its General Objections, for those facilities which participate in the ecoFinity program, Becton Dickinson sells its containers at a discounted rate.

**DATA REQUEST NO. 16:**

Produce aggregate data and/or records of all payments described in response to Data Requests Nos. 14 and 15.

**RESPONSE:**

WMW objects to this Data Request to the degree it seeks documents about customers outside the State of Washington. WMW further objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections or its General Objections, WMW will provide confidential documents upon the entry of a protective order.

**DATA REQUEST NO. 17:**

Produce all Documents and Communications Relating to the purpose of, reason for, or basis for any payment described in response to Data Requests Nos. 14 and 15, including but not limited to Documents and Communications created by or in the immediate possession of Becton Dickinson and Talco Plastics.

**RESPONSE:**

WMW objects to this Data Request to the degree it seeks documents about customers outside the State of Washington. WMW further objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections or its General Objections, WMW will provide confidential documents upon the entry of a protective order.

**DATA REQUEST NO. 18:**

Identify all biomedical waste generators in Washington to whom BD ecoFinity Life Cycle Solution sharps services have been or are being provided, and the dates of such service. For the one known participant, St. Joseph Medical Center, please indicate whether services are still being provided.

**RESPONSE:**

Without waving its General Objections, WMW responds that such services have been provided to St. Joseph Medical Center since August 2011.

**DATA REQUEST NO. 19:**

Produce data for the period from September 2012 to the present reporting the weight of material collected and processed in the BD ecoFinity Life Cycle Solution sharps program similar to the data that was produced in Waste Management's Supplemental Response to Second Data Request No. 7 (attached hereto as Exhibit A), and indicate the units of measurement used.

**RESPONSE:**

Without waving its General Objections, *see* the confidential documents which will be produced upon the issuance of a protective order.

**DATA REQUEST NO. 20:**

Produce data reporting the weight of material collected and processed in the BD ecoFinity Life Cycle Solution sharps program from December 2011 to the present that is attributable to (a) the sharps waste containers and (b) the waste contained within the sharps waste containers.

**RESPONSE:**

Without waving its General Objections, WMW responds that no such data exists.

**DATA REQUEST NO. 21:**

Please Describe the disposition of all material collected and processed in the BD ecoFinity Life Cycle Solution sharps program that is not converted into reclaimed plastics and/or other recyclable materials.

**RESPONSE:**

Without waving its General Objections, WMW responds that such material is landfilled.

**DATA REQUEST NO. 22:**

Produce data reporting the weight of reclaimed plastics and/or other recyclable materials that have been transferred from Talco Plastics or any affiliate of Talco Plastics to Becton Dickinson or any affiliate of Becton Dickinson from December 2011 to the present.

**RESPONSE:**

Without waving its General Objections, WMW responds that neither WMW nor WM Healthcare Solutions, Inc. has any of the requested data.

**DATA REQUEST NO. 23:**

Describe the disposition of any reclaimed plastics and/or other recyclable materials reclaimed by Talco Plastics or any affiliate of Talco Plastics that are not transferred to Becton Dickinson or any affiliate of Becton Dickinson.

**RESPONSE:**

Without waving its General Objections, WMW responds that neither WMW nor WM Healthcare Solutions, Inc. has any of the requested information.

**DATA REQUEST NO. 24:**

Describe in detail the reclaimed plastics and/or other recyclable materials transferred from Talco Plastics or any affiliate of Talco Plastics to Becton Dickinson or any affiliate of Becton Dickinson from December 2011 to the present, including but not limited to the classification, grade, characteristics, or quality of such material.

**RESPONSE:**

Without waving its General Objections, WMW responds that neither WMW nor WM Healthcare Solutions, Inc. has any of the requested information.

**DATA REQUEST NO. 25:**

Produce Documents Describing or otherwise documenting the reclaimed plastics and/or other recyclable materials transferred from Talco Plastics or any affiliate of Talco Plastics to Becton Dickinson or any affiliate of Becton Dickinson from December 2011 to the present, including but not limited to the classification, grade, characteristics, quality, and uses of such material.

**RESPONSE:**

Without waving its General Objections, WMW responds that neither WMW nor WM Healthcare Solutions, Inc. has any of the requested documents.

**DATA REQUEST NO. 26:**

Describe in detail the use or other disposition by Becton Dickinson or any affiliate of Becton Dickinson of the reclaimed plastics and/or other recyclable materials transferred from Talco Plastics or any affiliate of Talco Plastics, including but not limited to any process employed to recycle such materials and/or any sale or disposal of such materials.

**RESPONSE:**

Without waving its General Objections, WMW responds that neither WMW nor WM Healthcare Solutions, Inc. has any of the requested information.

**DATA REQUEST NO. 27:**

Produce data reporting by weight the amount of reclaimed plastics and/or other recyclable materials that were subject to each use or disposition Described in Response to Data Request No. 26.

**RESPONSE:**

Without waving its General Objections, WMW responds that neither WMW nor WM Healthcare Solutions, Inc. has any of the requested data.

**DATA REQUEST NO. 28:**

Produce all Documents Relating to each disposition Described in Response to Data Request No. 26.

**RESPONSE:**

WMW objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waving these objections and

its General Objections, WMW responds that neither WMW nor WM Healthcare Solutions, Inc. has any of the requested documents.

**DATA REQUEST NO. 29:**

Identify all employees of Waste Management or its Affiliates, Becton Dickinson or any affiliate of Becton Dickinson, and/or Talco Plastics or any affiliate of Talco Plastics who have knowledge Relating to (a) the reclamation of plastics and/or other recyclable materials in the BD ecoFinity Life Cycle Solution sharps program, (b) the transfer of such materials from Talco Plastics or any affiliate of Talco Plastics to Becton Dickinson or any affiliate of Becton Dickinson, or other disposition of such materials that are not so transferred, and (c) the use or other disposition of such materials by Becton Dickinson or any affiliate of Becton Dickinson. For each person Identified, briefly Describe the nature of that person's knowledge.

**RESPONSE:**

Without waving its General Objections, WMW responds: Jeff Norton has knowledge regarding the general process at the Creswell, N.C. facility for the sharps containers. In addition, the following Waste Management employees have knowledge as described below:

Waste Management's Operations at Creswell, N.C.:

Jon McGee, District Manager, processing knowledge  
Howard Davenport, Operations Manager, processing knowledge  
Tommy Layden, Machine Operator, processing knowledge  
Clarence Weeks, Helper, processing knowledge

Waste Management's Operations at Vernon, CA:

Tim Tucker, Senior District Manager, knows some BD and Talco employees  
Velia Torres, Helper, processing knowledge  
Arturo Pineda, Operations Manager, processing knowledge  
Jorge Munguia Blanco, Helper, processing knowledge  
Jesus P Olague, Helper, processing knowledge  
Johnny Aflava, Helper, processing knowledge

**DATA REQUEST NO. 30:**

Describe all guidelines, policies, rules or requirements of the BD ecoFinity Life Cycle Solution sharps program or of Waste Management or its Affiliates for (a) separation, handling, and packaging of sharps waste by ecoFinity customers and (b) collecting, handling, and transporting of ecoFinity sharps waste by Waste Management or its Affiliates.

**RESPONSE:**

Without waving its General Objections, WMW responds that St. Joseph Medical Center is directed to change out full used sharp containers in their facility, to place used sharps containers separately into a WMW 43-gallon lined container, and to tie off the bag and close the lid and is required to adhere to OSHA regulations which require the container to be sealed before sending it off for transport. *See also* the documents produced in TG-120033 and the confidential documents which will be produced upon the issuance of a protective order.

**DATA REQUEST NO. 31:**

Produce all Documents Relating to guidelines, policies, rules or requirements for separating, packaging, handling, collecting, and/or transporting sharps waste collected in the BD ecoFinity Life Cycle Solution sharps program.

**RESPONSE:**

WMW objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waving this objection or its General Objections, *see also* the documents produced in TG-120033 and the confidential documents which will be produced upon the issuance of a protective order.

**DATA REQUEST NO. 32:**

Describe the guidelines, policies, rules or requirements of St. Joseph Medical Center (and any other ecoFinity customer in Washington) Relating to separating, packaging, handling, and/or collecting (a) all Biomedical Waste, (b) all sharps waste, and (c) sharps waste collected in the BD ecoFinity Life Cycle Solution sharps program.

**RESPONSE:**

WMW objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waving this objection or its General Objections, WMW responds that St. Joseph Medical Center's staff has been trained to put closed sharps containers into the lined 43-gallon tubs which are identified as "Sharps Recycle Only" tubs and to tie off the bags.

**DATA REQUEST NO. 33:**

Produce all Documents and Communications relating to the guidelines, policies, rules or requirements of St. Joseph Medical Center (and any other ecoFinity customer in Washington) Relating to separating, packaging, handling, and/or collecting (a) all biomedical waste, (b) all sharps waste, and (c) sharps waste collected in the BD ecoFinity Life Cycle Solution sharps program.

**RESPONSE:**

WMW objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waving this objection or its General Objections, WMW responds that it is not aware of any responsive documents.

**DATA REQUEST NO. 34:**

Identify all employees of St. Joseph Medical Center (and any other ecoFinity customer in Washington) with knowledge Relating to guidelines, policies, rules or requirements for separating, packaging, handling, and/or collecting (a) all biomedical waste, (b) all sharps waste, and (c) sharps waste collected in the BD ecoFinity Life Cycle Solution sharps program. For each person Identified, briefly Describe that person's knowledge.

**RESPONSE:**

WMW objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waving this objection or its General Objections, WMW responds that Bill Montgomery and Jared Scott have knowledge regarding how to close the bag liners and the tub lids.

Bill Montgomery  
St. Joseph's Medical Center  
Manager of Environmental Services  
360.738.6328  
bmontgomery@peacehealth.org

Jared Scott  
St. Joseph's Medical Center  
Assistant Manager of Environmental Services

**DATA REQUEST NO. 35:**

Identify any witness (not previously identified) that You expect to call to testify in this proceeding, and provide a summary of each witness's anticipated testimony.

**RESPONSE:**

WMW has not yet determined which witnesses it will call to testify in this proceeding.

**DATA REQUEST NO. 36:**

Produce all Documents and other materials that You intend to present as evidence in this proceeding.



**RESPONSE:**

WMW has not yet determined which documents and other materials it will offer in this proceeding.

**DATA REQUEST NO. 37:**

Produce all Documents that You consulted or referred to in responding to these Data Requests and all Documents identified or referenced in Your responses to these Data Requests.

**RESPONSE:**

WMW objects that this Data Request is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waving this objection or its General Objections, *see* WMW's responses to each of the Data Requests above.

**DATA REQUEST NO. 38:**


With respect to each of the foregoing Data Requests, please provide the name of each person who assisted in the preparation of Your response.

**RESPONSE:**

Jeff Daub, Jeff Norton, Michael McInerney, Tim Tucker, Steve Merritt, David Mayfield, Tia Daniels, Andrew Kenefick, and Jessica Goldman.

RESPONSES AND OBJECTIONS DATED this 6th day of May, 2013.

SUMMIT LAW GROUP PLLC

By 

Polly L. McNeill, WSBA #17437  
Jessica L. Goldman, WSBA #21856  
pollym@summitlaw.com  
jessicag@summitlaw.com

*Attorneys for Waste Management of  
Washington, Inc.*

### CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon the following parties of record in this proceeding, by the method indicated below, pursuant to WAC 480-07-150.

Steven W. Smith Attorney General's Office of Washington PO Box 40128 Olympia, WA 98504-0128 (360) 664-1225 ssmith@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Stephen B. Johnson Jared Van Kirk Garvey Schubert Barer 1191 Second Avenue, Suite 1800 Seattle, WA 98101 (206) 464-3939 sjohnson@gsblaw.com jvankirk@gsblaw.com vowen@gsblaw.com dbarrientes@gsblaw.com <i>Attorneys for Stericycle of Washington, Inc.</i>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
James K. Sells Attorney at Law PMB 22 3110 Judson Street Gig Harbor, WA 98335 jamesells@comcast.net cheryls@rsulaw.com <i>Attorneys for Washington Refuse and Recycling Association</i>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Seattle, Washington, this 6th day of May, 2013.



Deanna Schow

# **EXHIBIT 2**

---

**From:** Kristen Oxwang  
**Sent:** Tuesday, July 16, 2013 11:27 AM  
**To:** Jared Van Kirk [JVanKirk@gsblaw.com]  
**Cc:** Jessica Goldman; Polly McNeill  
**Subject:** Stericycle v. Waste Management: WM production

Jared,

Waste Management documents WM000001-404 are available for download via the link below. These materials are produced subject to the NDA.

Please let me know if you have any problems accessing these documents.

**Kristen Oxwang** | *Paralegal* | **SUMMIT LAW GROUP PLLC** | 315 Fifth Avenue South, Suite 1000 | Seattle, WA 98104-2682  
T 206.676.7098 | F 206.676.7099 | [kristeno@summitlaw.com](mailto:kristeno@summitlaw.com) | [www.summitlaw.com](http://www.summitlaw.com)

The following files are attached to this message:

- WM000001^Confidential.mpeg (5 MB)
- WM000010^Confidential.mpeg (8 MB)
- WM000215^Confidential.wmv (38 MB)
- WM000001-404.zip (14 MB)

Please click on this link to download the attachments:

<https://files.summitlaw.com/message/Li7kd0j5dAtILCQC1mIPL0>

The attachments are available until 07/30/2013.

# **EXHIBIT 3**

Transcript of the Testimony of

**Jeff Norton**

July 17, 2013

**Stericycle of Washington v. Waste Management of Washington**

No. TG-121597



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

---

STERICYCLE OF WASHINGTON, INC.,                    ) DOCKET TG-121597  
  )  
  ) Complainant,                    )  
  )  
  ) v.                                    )  
  )  
WASTE MANAGEMENT OF WASHINGTON, INC.,        )  
D/B/A WM HEALTHCARE SOLUTIONS OF                )  
WASHINGTON,                                        )  
  )  
  ) Respondent.                    )

---

DEPOSITION OF JEFF NORTON

July 17, 2013

Seattle, Washington

Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

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Serving Washington's Legal Community since 1980

**Jeff Norton  
July 17, 2013**

1 APPEARANCES

2 For Respondent Waste Management:

3 Jessica J. Goldman  
4 Summit Law Group  
5 315 Fifth Avenue South  
6 Suite 1000  
7 Seattle, WA  
8 206.676.7062  
9 206.676.7063 Fax  
10 Jessicag@summitlaw.com

11 For Complainant Stericycle of Washington:

12 Jared Van Kirk  
13 Garvey Schubert Barer  
14 1191 Second Avenue  
15 Suite 1800  
16 Seattle, WA 98101  
17 206.816.1372  
18 Jvankirk@gsplaw.com

19  
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21  
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1	EXAMINATION INDEX		
2	EXAMINATION BY:	PAGE NO.	
3	Mr. Van Kirk	5	
4			
5			
6	EXHIBIT INDEX		
7	EXHIBIT NO.	DESCRIPTION	PAGE NO.
8	Exhibit No. 1	22-page Complainant Stericycle of Washington, Inc.'s, First Data Requests to Applicant Waste Mgmt. and Objections and Responses Thereeto dated 5/6/2013.	13
9			
10			
11	Exhibit No. 2	5-page Roll Off Service Agreement Non-Hazardous Wastes, Bates Nos. WM000259 through WM000263, dated 2/15/12.	35
12			
13			
14	Exhibit No. 3	3-page string of emails, Bates Nos. WM00179 through WM000181.	50
15			
16	Exhibit No. 4	3-page string of emails, Bates Nos. WM000690 through WM000692.	63
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18	Exhibit No. 5	2-page string of emails, Bates Nos. WM000313 through WM000314.	65
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20	Exhibit No. 6	33-page WM Healthcare Solutions Integrated Contract and Services Agreement, Bates Nos. WM000219 through WM000252.	72
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23	Exhibit No. 7	5-page WM Healthcare Solutions Proposal dated 05/13/11, Bates Nos. WM000336 through WM000340.	86
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EXHIBIT INDEX		
EXHIBIT NO.	DESCRIPTION	PAGE NO.
Exhibit No. 8	4-page string of emails, Bates Nos. WM000293 through WM000296.	97
Exhibit No. 9	5-page string of emails, Bates Nos. WM000225 through WM000229.	103
Exhibit No. 10	4-page Presentation to Virginia Mason dated 7/1/2011.	116
Exhibit No. 11	2-page string of emails, Bates Nos. WM000212 through WM000213.	122
Exhibit No. 12	2-page 2012 Cost Comparison Virginia Mason Medical Center.	122
Exhibit No. 13	2-page string of emails, Bates Nos. WM000309 through WM000310.	143
Exhibit No. 14	1-page chart, Bates No. WM000232.	147
Exhibit No. 15	1-page marketing document, Bates No. WM000270.	151

1 BE IT REMEMBERED that on Wednesday, July 17,  
2 2013, at 315 Fifth Avenue South, Suite 1000, Seattle,  
3 Washington, at 9:30 a.m., before DIANE M. CULLIVAN, CCR,  
4 RPR, appeared JEFF NORTON, the witness herein;

5 WHEREUPON, the following proceedings were  
6 had, to wit:

7

8

<<<<< >>>>>

9

10 JEFF NORTON, having been first duly sworn  
11 by the Reporter, testified as  
12 follows:

13

14

EXAMINATION

15 BY MR. VAN KIRK:

16 Q Good morning, Mr. Norton. We met before. For the  
17 record, I'm Jared Van Kirk of Stericycle of Washington,  
18 Inc. We're going to be taking a deposition today.

19 Do you understand that?

20 **A Yes.**

21 Q Okay. And I know we have had a deposition together  
22 before in another case, correct?

23 **A Correct.**

24 Q Okay. I'll do the rules really briefly because I know  
25 you're aware of what's going on here.

1           You know, we've talked about how you haven't made  
2           too many offers to -- for recycling services to  
3           healthcare facilities.

4           Have there -- have there been any discussion or  
5           any plans to try and make more offers, make recycling  
6           more of a priority to healthcare providers in this  
7           state?

8   **A**    **No.**

9                           MR. VAN KIRK: Well, I think I'm done.

10                          MS. GOLDMAN: We'll reserve signature.

11   (Deposition concluded at  
12   3:01 p.m.)

13   (Signature is reserved.)

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1 STATE OF WASHINGTON ) I, Diane M. Cullivan, CCR, RPR,  
2 County of King ) ss CCR # 3215, a certified court  
3 reporter in the State of  
4 Washington, do hereby certify:

5 That the foregoing deposition of Jeff Norton was  
6 taken before me and completed on July 17, 2013, and  
7 thereafter was transcribed under my direction; that the  
8 deposition is a full, true and complete transcript of the  
9 testimony of said witness, including all questions, answers,  
10 objections, motions and exceptions;

11 That the witness, before examination, was by me  
12 duly sworn to testify the truth, the whole truth, and  
13 nothing but the truth, and that the witness reserved the  
14 right of signature;

15 That I am not a relative, employee, attorney or  
16 counsel of any party to this action or relative or employee  
17 of any such attorney or counsel and that I am not  
18 financially interested in the said action or the outcome  
19 thereof;

20 That I am herewith securely sealing the said  
21 deposition and promptly delivering the same to Attorney  
22 Jared Van Kirk.

23  
24  
25  
  
  
Diane M. Cullivan, CCR, RPR  
Certified Court Reporter, No. 3215.