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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

**WASTE MANAGEMENT'S  
OPPOSITION TO STERICYCLE'S  
MOTION FOR THIRD PARTY  
DISCOVERY**

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## I. RELIEF REQUESTED

1. Applicant Waste Management of Washington, Inc. d/b/a WM Healthcare Solutions of Washington (“Waste Management”) requests that the Commission deny Stericycle of Washington, Inc.’s (“Stericycle”) Motion for Third-Party Discovery.

## II. ARGUMENT

2. Stericycle wrongly represents that “[t]hird-party discovery was jointly proposed by Stericycle and Respondent Waste Management ... in the parties’ proposed discovery plan ....”<sup>1</sup> To the contrary, Stericycle proposed that third-party discovery be permitted<sup>2</sup> and Waste Management “respond[ed] that any third-party subpoenas should be issued only subject to permission from the Presiding Officer.”<sup>3</sup> The Presiding Officer ordered that third-party discovery would only be authorized “upon a showing that Stericycle cannot obtain information necessary to support its claims in any other way” and that “[t]he Commission will also consider third party opposition to discovery requests.”<sup>4</sup>

3. Stericycle has failed to demonstrate that it cannot obtain the information necessary to make its arguments in this case “in any other way” besides the burdensome discovery it seeks of waste generators. To the contrary, Waste Management has supplied detailed written responses to Stericycle’s discovery requests,<sup>5</sup> produced over 400 pages of documents in addition to the documents Waste Management produced last year in the application proceeding,<sup>6</sup> and made available Waste Management employee Jeff Norton for a deposition on July 17, 2013 as requested by Stericycle. That deposition took more than four and a half hours.<sup>7</sup> Stericycle has not requested any further discovery from Waste Management. Stericycle has failed to demonstrate that it cannot make its case with the substantial discovery it has received from Waste Management.

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24 <sup>1</sup> Mot. at 1:4-5.

25 <sup>2</sup> Complainant Stericycle of Washington, Inc.’s Proposed Discovery Plan ¶ 7 (Mar. 1, 2013).

26 <sup>3</sup> Waste Management’s Response to Stericycle’s Proposed Discovery Plan ¶ 7 (Mar. 5, 2013).

27 <sup>4</sup> Order 04 ¶ 14.

28 <sup>5</sup> Goldman Decl., Ex. 1.

<sup>6</sup> Goldman Decl., Ex. 2.

<sup>7</sup> Goldman Decl., Ex. 3.

1 4. Stericycle also has failed to demonstrate that it provided notice of its Motion to any of  
2 the third-parties involved to permit them the opportunity to oppose the burdensome discovery  
3 requested, as contemplated in Order 04.

4 5. Finally, Stericycle's proposed subpoenas wholly disregard the Presiding Officer's order  
5 that "[d]epositions shall be scheduled at times and places reasonably convenient to the witnesses and to  
6 all parties."<sup>8</sup> Stericycle did not consult with Waste Management's counsel regarding her availability to  
7 attend depositions on any of the dates set forth in the proposed subpoenas and those proposed  
8 subpoenas state that an alternative date need only be agreed upon by the deponent "and legal counsel  
9 for Stericycle of Washington, Inc."

10 DATED this 26th day of July, 2013.

11 SUMMIT LAW GROUP PLLC

12  
13 By 

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18 *Attorneys for Waste Management of*  
19 *Washington, Inc.*

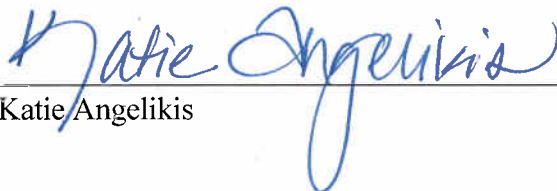
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28 <sup>8</sup> Order 04 ¶ 16 (emphasis added).

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
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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