

# DAVIS GRIMM PAYNE & MARRA

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October 10, 2006

Carole Washburn, Executive Secretary  
Washington Utilities & Transportation Commission  
P.O. Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250

RECEIVED  
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Re: Formal Complaint: Western Van Lines, Inc. v. Western Moving & Storage, Inc.

Dear Secretary Washburn:

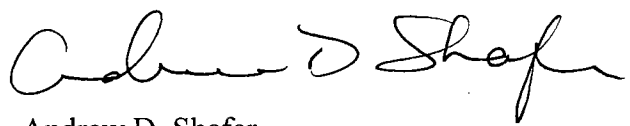
On behalf of the complainant Western Van Lines, Inc., enclosed please find the complainant's complaint against Western Moving & Storage, Inc.

Given the harm that occurs daily, the Complainant asks the commission act without delay in issuing a cease and desist order to prevent the Respondent from using a corporate and trade name deceptively similar to that of the Complainant, in violation of WAC 480-15-390(2).

Please do not hesitate to call me.

Very truly yours,

DAVIS GRIMM PAYNE & MARRA



Andrew D. Shafer

ADS:

Enclosure

cc: Western Moving & Storage, Inc.  
Western Van Lines, Inc.

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WESTERN VAN LINES, INC.,                    )  
d/b/a WESTERN VAN & STORAGE,            )  
  Complainant,                                    )  
  v.    )  
  )  
WESTERN MOVING & STORAGE,                )  
INC.,    )  
  Respondent.                                    )  
\_\_\_\_\_)

**COMPLAINT FOR VIOLATION OF  
WAC 480-15-390 PURSUANT TO  
RCW 81.04.110**

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UTILITY AND TRANSPORTATION COMMISSION

Complainant alleges:

- 1 Complainant is a corporation duly formed under the laws of the state of Washington. It has remained continuously in business since its formation on July 2, 1979.
- 2 Respondent is a corporation formed under the laws of the state of Washington on April 3, 2006.
- 3 Complainant is the holder of Washington Utilities and Transportation Commission Household Goods Permit No. 000064 (the "Permit"). It has operated the Permit continuously since 1979.
- 4 Some time after April 3, 2006, the Commission issued Household Goods Permit No. HG061024 ("Respondent's Permit") to the Respondent. The Respondent's Permit was issued in the name of Western Moving & Storage.
- 5 Since the date of issuance of the Respondent's Permit, Complainant has received phone calls and collection notices from creditors seeking to collect debts from Western Moving & Storage. Such telephone calls demonstrate actual confusion in the market place as to the Respondent's identity, which confusion violates the requirements of 480-15-390(2)(b)(i) and (ii).

**ORIGINAL**

6. The Respondent's Permit was issued in violation of WAC 480-15-390, which regulation prohibits a household goods carrier from operating under a name that is similar to that of another carrier.


WHEREFORE, the Complainant prays as follows:

A. That the commission issue order that Respondent Cease and Desist operations until it changes its corporate and trade names to names that are not deceptively similar to that of Complainant;

B. That it re-mark its vehicles and freight documentation to eliminate all references to Western Moving & Storage and;

C. Upon evidence that the Respondent has changed its corporate and trade names, that it reissue Permit No. HG 061024 in the Respondent's new corporate and trade names.

Executed this 10<sup>th</sup> day of October, 2006.



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CERTIFICATE OF MAILING

The undersigned certifies, under penalty of perjury under the laws of the State of Washington as follows:

1. I am employed by Davis Grimm Payne & Marra, the Complainant's attorney in the above cause.

2. On October 10, 2006 I mailed the Complaint to which this Certificate is attached via first class mail, postage repaid, to the Respondent's address listed in the records of the Washington Utilities & Transportation Commission as follows:

Western Moving & Storage, Inc.  
17004 NE 116<sup>th</sup> Street  
Redmond, Washington 98052

Dated this 10<sup>th</sup> day of October 2006.

  
\_\_\_\_\_  
BETSY JOHNSON