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4 KING COUNTY
5 SUPERIOR COURT

6 IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

HONORABLE J. KATHLEEN LEARNED
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7:33 28 2000

JUDGE
J. KATHLEEN LEARNED

7 SANDY JUDD, TARA HERIVEL and
ZURAYA WRIGHT, for themselves, and on
8 behalf of all similarly situated persons.

9 Plaintiffs.

10 v.

11 AMERICAN TELEPHONE AND
TELEGRAPH COMPANY; GTE
12 NORTHWEST INC.; CENTURYTEL
TELEPHONE UTILITIES, INC;
13 NORTHWEST TELECOMMUNICATIONS,
INC., d/b/a PTI COMMUNICATIONS, INC.;
14 U.S. WEST COMMUNICATIONS, INC.; T-
NETLX, INC.,

15 Defendants.

Case No.: 00-2-17565-5 SEA

~~PROPOSED~~ ORDER GRANTING AT&T
CORP.'S MOTION TO DISMISS

FILED

KING COUNTY, WASHINGTON

NOV 09 2000

SUPERIOR COURT CLERK
BY VICTOR A. DIGORNA
DEPUTY

17 THIS MATTER came on for hearing before the Court on October 6, 2000. Having heard
18 argument of counsel and having considered the written submissions of the parties and all other
19 documents on file in this matter. NOW THEREFORE:

20 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiffs' First Amended Complaint is
21 hereby dismissed without prejudice for failure to state a claim. Plaintiffs shall have _____ days from the
22 date of entry of this Order to file an amended complaint.

23 Furthermore, Plaintiffs' claims against Defendant AT&T Corp. ("AT&T") for damages
24 premised on nondisclosure of interstate long distance rates are hereby dismissed with prejudice under
25 the filed tariff doctrine.

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28 [PROPOSED] ORDER GRANTING AT&T CORP.'S MOTION TO
DISMISS - 1

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Page 407

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(206) 429-4100

1 Furthermore, Plaintiffs' claims against AT&T premised on nondisclosure of intrastate long
2 distance rates ~~are hereby dismissed without prejudice and~~ are referred to the Washington Utilities and
3 Transportation Commission under the primary jurisdiction doctrine for resolution in the first instance,
4 *of whether or not they are considered by the agency to be an*

5 DATED this 5th day of ~~November~~, 2000.

6 *DSP under the contracts at issue herein and if so
7 if the regulations have been violated
8 CPA, class & damage issues are stayed pending WUTC action.*

9 *J. Kathleen Learned*
10 THE HONORABLE J. KATHLEEN LEARNED
11 KING COUNTY SUPERIOR COURT JUDGE

12 Presented by:

13 STOKES LAWRENCE, P.S.

14 By: *Kelly Twiss Noonan*
15 Kelly Twiss Noonan (WSBA #19096)
16 Laura J. Buckland (WSBA #16141)
17 Attorneys for Defendant AT&T Corp.
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