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Chris Swanson/WUTC

07/15/2004 11:36 AM

To adam.sherr@qwest.com

cc

Subject Fw: Motion to Compel UT-033011

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To adam sherr, drmnazarian@hhlaw.com

cc

Subject Motion to Compel UT-033011

Hi, Adam. I don't think I wrote Mr. Nazarian's email down correctly, so please forward this to him if the email address is wrong.

I may be giving away my response to your motion, but in an effort to resolve this issue pursuant to WAC 480-07-425 I point you to WAC 480-07-400(c)(iii) which permits "an admission of a fact asserted by the requesting party". I would ask you to contrast this with CR 36 which permits requests for admission that "relate to statements or opinions of fact or of the application of law to fact." The Commission certainly knew about the language of CR 36 when it drafted the new rule. If it had intended to permit inquiries related to factual opinions or the application of law to fact, it would have included language permitting such inquiries in the rule. In addition, I do not believe either the Commission rules or the civil rules permit questions related to legal opinions. I am disappointed that you issued these data requests in the first place, but since we're down the road already, please take note of the specific language of the rule. I trust your motion will not, in good faith, misstate the law. Thanks.

Chris

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