

Dear Judge Caille,

The purpose of this email message is to advise you that the parties have been unable to complete discovery prior to the May 27, 2005 discovery cut-off date currently set by your Prehearing Conference Order No. 01, to advise you of agreements reached between the parties to address the situation, and to request that you modify Order No. 01 to conform to the parties' discovery agreements.

The status of discovery is this:

Stericycle served extensive written data requests on Sure-Way on March 31, 2005. Under the Commission's rules, Sure-Way's response was due April 11, 2005. At Sure-Way's request, Stericycle agreed to extend the time for Sure-Way response until April 22, on the condition that Sure-Way advise Stericycle of any objections to the data requests by April 8. Counsel for Sure-Way served objections to the Stericycle data requests on April 15 and its responses to the data requests on April 22.

In a lengthy letter transmitted to Sure-Way's counsel on May 12, 2005, Stericycle advised Sure-Way that Stericycle viewed Sure-Way's April 22 responses as inadequate and specified in detail what additional information Stericycle believed was required to respond to each data request fully, as required by the Commission's discovery rules.

In telephone conversations between counsel for Sure-Way and Stericycle subsequent to May 12, Sure-Way agreed to provide further responses to Stericycle's data requests by May 20, 2005. Counsel for Stericycle agreed that some of the detail requested by Stericycle concerning Sure-Way operations distant from the Pacific Northwest and not operationally related to those operations could be omitted from Sure-Way's responses. On May 20, 2005, counsel for Sure-Way requested an extension of the agreed deadline for Sure-Way's supplemental response until May 23, 2005. On May 23, 2005, counsel for Sure-Way advised Stericycle that Sure-Way was unable to provide its supplemental responses on that date. This morning, counsel for Sure-Way advised Stericycle by email that Sure-Way's supplemental responses to Stericycle's March 31 data requests would probably be transmitted to Stericycle later today, May 25.

Stericycle may wish to follow up on Sure-Way's supplemental responses with additional data requests. Because of Sure-Way's delay in completing its responses to Stericycle's first data requests, Stericycle will not be permitted to do so unless the discovery deadline set in Order No. 01 is extended.

Sure-Way served extensive data requests on Stericycle on May 6, 2005. Sure-Way has agreed to allow Stericycle until May 30 to provide its responses to these data requests. It is possible that a further extension of time for Stericycle's response will be requested. Sure-Way has agreed that Stericycle will not be required to respond to Sure-Way's data requests until after the May 27 discovery deadline.

In discussions between counsel related to these discovery matters, counsel for Sure-Way and Stericycle have agreed that the deadline for completing written discovery should be extended until June 17, 2005. Stericycle and Sure-Way have also agreed that Stericycle will be permitted to take the deposition of Gary Chilcott, Sure-Way's president and CEO, during the week of June 27. Sure-Way and Stericycle agreed that Stericycle would advise you of these agreements and request that the deadlines in Order No. 01 be modified accordingly. I have discussed these schedule changes with AAG Greg Trautman and he has no objection to them.

At this time, the parties do not believe that the proposed changes in the discovery deadline will require other changes in the case schedule.

Depending on whether and how Sure-Way ultimately responds to Stericycle's first data requests, Stericycle reserves the right to file a motion to compel discovery and to seek further adjustments in the case schedule.

We do not plan to file a formal motion to seek a change in the discovery deadline unless you request such a motion. Of course, counsel would be available for a conference call on these matters if you believe that is necessary or desirable.

Thank you for your assistance.

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