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STATE OF WASH.
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COMMISSION

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November 2, 2004

VIA OVERNIGHT DELIVERY

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

**Re: Glick v. Verizon Northwest Inc.,
WUTC Docket No. UT-040535**

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket is an original and four of Verizon's Answer to Complainant's Motion for Order Disallowing Response to Petition for Administrative Review.

Very truly yours,

A handwritten signature in black ink that reads "Heidi L. Wilder". The signature is written in a cursive, flowing style.

Heidi L. Wilder
Assistant to John Ridge
and Timothy J. O'Connell

Enclosures

cc: Jeffrey D. Glick (w/encls.)

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GLICK,

Complainant,

v.

VERIZON NORTHWEST INC.,

Respondent.

DOCKET NO. UT-040535

**VERIZON'S ANSWER TO
COMPLAINANT'S MOTION FOR
ORDER DISALLOWING RESPONSE
TO PETITION FOR
ADMINISTRATIVE REVIEW**

I. INTRODUCTION

1. Mr. Glick's Motion for Order Disallowing Response to Petition for Administrative Review ("Compl.'s Mot. To Disallow") is based upon a fundamental misunderstanding of the facts in this case and the applicable procedural rules, and should therefore be denied.

II. FACTS

2. The docket in this matter plainly establishes the following facts. Verizon appeared in this matter through Mr. Timothy O'Connell of Stoel Rives LLP. Stoel Rives has never withdrawn as counsel, and Mr. O'Connell remains actively involved in the adjudication of the matter.

3. On August 6, 2004, Judge Rendahl issued Initial Order No. 2 granting in part Verizon's Motion for Summary Determination, and canceling the procedural schedule. On August 17, 2004, Mr. Glick requested an extension of time (30 days) to file his Petition for Administrative Review, which was agreed to by Verizon's counsel. Mr. Glick's request was

VERIZON'S ANSWER TO COMPLAINANT'S MOTION FOR ORDER
DISALLOWING RESPONSE TO PET. FOR ADMIN. REVIEW - 1

granted by the Commission on August 20, 2004. Mr. Glick filed his Petition on September 27, 2004.

4. On October 4, 2004, Verizon requested a one-week extension in which to file its Response to Mr. Glick's Petition. The request was sent in the form of a letter signed by an associate attorney at Stoel Rives, Mr. John Ridge, who is assisting Mr. O'Connell in this matter. On the same date, the Commission granted the one-week extension. Verizon timely filed its Response, which included both Mr. O'Connell and Mr. Ridge on the signature block. At the same time, a Notice of Appearance was filed on behalf of Mr. Ridge for the purpose of adding him to the post and e-mail service lists.

III. DISCUSSION

5. In his motion, Mr. Glick requests the court to strike Verizon's Response to his Petition for Administrative Review because "[a] valid Notice of Mr. Ridge's appearance – whose appearance is apparently intended to serve as a substitution for Mr. O'Connell – should have been properly filed and served prior to the request for an extension of time. CR 71(d)." (Compl.'s Mot. To Disallow at 1.)

6. First, Mr. Glick cites no sound authority to support his motion to strike Verizon's Response. CR 71(d) applies solely to the withdrawal and substitution of counsel:

(d) Withdrawal and Substitution: Except as provided in section (b), an attorney may withdraw if a new attorney is substituted by filing and serving a Notice of Withdrawal and Substitution. The notice shall include a statement of the date on which the withdrawal and substitution are effective and shall include the name, address, Washington State Bar Association membership number, and signature of the withdrawing attorney and the substituting attorney. . . .

7. Contrary to Mr. Glick's unfounded assertion, Stoel Rives has not withdrawn as counsel, and Mr. Ridge is not substituting for Mr. O'Connell. Mr. O'Connell continues to represent Verizon in the adjudication of this matter, and Mr. Ridge, another attorney at Stoel Rives, is assisting him. Thus, CR 71(d) is plainly not applicable here.

8. Second, it is undisputed that Verizon formally appeared in this matter through Mr. O'Connell and his law firm Stoel Rives. It has been long established that when a client retains a firm in a case "each member of the firm becomes the attorney or counsel for the litigant and the appearance in court of one member of the firm is the appearance of the firm." J. Alfred Magoon v. Lort-Young Engineering Co., LTD, 22 Haw. 245, 1914 WL 1714, at *1 (Hawaii Terr. 1914). Moreover, it is unquestioned that Mr. O'Connell has remained involved in this case and remains the person designated in Verizon's pleadings as its primary representative, as called for by WAC 480-07-345(2). In the reality of modern practice before the Commission, it is not uncommon for more than one attorney from a law firm to participate in the representation of a client. There is no question that both Mr. O'Connell and Mr. Ridge are qualified to practice before the Commission. See WAC 480-07-345(1). Mr. Glick's Motion misconstrues the nature of Mr. Ridge's participation, and is thus wholly without merit.

9. It is also undisputed that Verizon, through Stoel Rives associate John Ridge, filed a timely request for an extension of time to respond to Mr. Glick's Petition, was granted an extension by the Commission, and filed a timely Response. Consequently, Verizon and its attorneys plainly complied with the applicable procedural rules governing the filing of its Response. If anything, Mr. Glick's pleading should be considered untimely insofar as it was delayed until well after the filing of the pleading to which it relates.


10. Lastly, even if a procedural rule was inadvertently not adhered to, which Verizon disagrees with, Mr. Glick was in no way prejudiced. He was given an additional time – 30 days – to file his Petition for Administrative Review. The Commission granted Verizon a one-week extension to file its Response. Mr. Ridge's signature on the request for the one-week extension in no manner prejudices Mr. Glick, especially considering that Mr. Glick was served with Verizon's request for an extension in a timely manner, as well as with Verizon's Response and Mr. Ridge's Notice of Appearance also filed at the same time.

IV. CONCLUSION

11. Mr. Glick's motion misstates the law and facts, and is an obvious attempt to avoid the merits of this case. His motion should be denied.

DATED: November 2, 2004.

STOEL RIVES LLP



Timothy J. O'Connell, WSBA #15372
John H. Ridge, WSBA #31885
Attorneys for Respondent

CERTIFICATE OF SERVICE

I certify that on November 2, 2004, I caused a copy of Verizon's Answer to Complainant's Motion for Order Disallowing Response to Petition for Administrative Review to be served via U.S. Mail to:

Jeffrey D. Glick
10760 NE 29th Street, #187
Bellevue, WA 98004



Heidi L. Wilder
Place: Seattle, Washington
Date: November 2, 2004.