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KING COUNTY  
SUPERIOR COURT

IN THE SUPERIOR COURT OF WASHINGTON  
FOR KING COUNTY

HONORABLE J. KATHLEEN LEARNED

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AUG 28 2000

JUDGE  
J. KATHLEEN LEARNED

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

Plaintiffs.

v.

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

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. DIGORNIA  
DEPUTY

ALL-STATE LEGAL®  
EXHIBIT  
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THIS MATTER came on for hearing before the Court on October 6, 2000. Having heard argument of counsel and having considered the written submissions of the parties and all other documents on file in this matter. NOW THEREFORE:

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

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

[PROPOSED] ORDER GRANTING AT&T CORP.'S MOTION TO  
DISMISS - 1  
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STOKES LA  
800 FIFTH AVENUE, SUITE 4000  
SEATTLE, WASHINGTON 98104-1170  
(206) 626-4444

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 5<sup>th</sup> day of November, 2000. *DSP under the contracts at*  
6 *issue herein, and if so*  
7 *of 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 Noonan*  
15 Kelly Twiss Noonan (WSBA #19096)  
16 Laura J. Buckland (WSBA #16141)  
17 Attorneys for Defendant AT&T Corp.