

Fassburg, Blair

From: Steele, David S. (BEL) <DSteele@perkinscoie.com>
Sent: Thursday, July 21, 2022 3:42 PM
To: Fassburg, Blair
Cc: Barnett, Donna L. (BEL)
Subject: RE: Complainant Basin Disposal, Inc.'s Third Data Requests to Jammie's Environmental, Inc.

Blair,

Please clarify why you believe we have not complied with WAC 480-07-405 (7)(a)(iii). Have you reviewed the document footers?

As for your question on our vagueness objections, we stand on our objections and that our responses comply with the rules. We have offered to meet and confer with you on that issue or discuss any responses you believe are insufficient.

David Steele | Perkins Coie LLP

D. +1.425.635.1633

From: Fassburg, Blair <BFassburg@williamskastner.com>
Sent: Thursday, July 21, 2022 2:26 PM
To: Steele, David S. (BEL) <DSteele@perkinscoie.com>
Cc: Barnett, Donna L. (BEL) <DBarnett@perkinscoie.com>
Subject: RE: Complainant Basin Disposal, Inc.'s Third Data Requests to Jammie's Environmental, Inc.

Hi David,

Thanks for the correction. It was not our intent to violate Commission rules; I believe my legal assistant was simply serving everyone on the master service list without realizing that the ALJ is to be excluded from service of data requests. I will talk to her about it and make sure that no further requests are served on the ALJ. In any event, it appears that Judge Howard has not been prejudiced.

Speaking of commission rules, your client was required to comply with WAC 480-07-405 (7)(a)(iii) by providing an identification of a respondent and witness for each data request response. That information was not provided with your responses. Additionally, as you well know, objecting to vagueness and then stating in your responses that you would like to meet and confer on the requests, while simultaneously relying on the objection to avoid responding does not comport with the requirements in WAC 480-07-405(5). Please supplement your responses in all respects to comply with the rules.

Best regards,

Blair I. Fassburg

Williams Kastner | Attorney at Law
601 Union Street, Suite 4100
Seattle, WA 98101-2380
P: 206-628-2772 | F: 206-628-6611

From: Steele, David S. (BEL) <DSteele@perkinscoie.com>
Sent: Thursday, July 21, 2022 2:10 PM
To: Fassburg, Blair <BFassburg@williamskastner.com>
Cc: Barnett, Donna L. (BEL) <DBarnett@perkinscoie.com>
Subject: FW: Complainant Basin Disposal, Inc.'s Third Data Requests to Jammie's Environmental, Inc.

Blair,

As you may be aware, it is a violation of Commission rules to serve data requests on the presiding officer in a proceeding because it can be prejudicial to other parties in the case. WAC 480-07-405. We trust that you will take measures to ensure that emails like the below do not happen again in this case?

Thanks

David Steele | Perkins Coie LLP
D. +1.425.635.1633

From: Howard, Michael (UTC) <michael.howard@utc.wa.gov>
Sent: Thursday, July 21, 2022 11:06 AM
To: Gruber, Maggi <MGruber@williamskastner.com>; Steele, David S. (BEL) <DSteele@perkinscoie.com>; Barnett, Donna L. (BEL) <DBarnett@perkinscoie.com>; Roberts, Cassie (POR) <CRoberts@perkinscoie.com>; Gilbert, Carolyn S. (SEA) <CarolynGilbert@perkinscoie.com>
Cc: Fassburg, Blair <BFassburg@williamskastner.com>; dawnblancaflor@packagingcorp.com; rachelaramburu@packagingcorp.com; rod@wrra.org; jamesells47@gmail.com
Subject: RE: Complainant Basin Disposal, Inc.'s Third Data Requests to Jammie's Environmental, Inc.

Good morning,

There is normally no need to copy me, as the assigned ALJ, when data requests are being served on another party. I will delete my copy of this email and will not review it. Thank you,

Michael Howard
Administrative Law Judge
Office: (360) 664-1139
Work Cell: (360) 791-0715
michael.howard@utc.wa.gov

From: Gruber, Maggi <MGruber@williamskastner.com>
Sent: Thursday, July 21, 2022 10:52 AM
To: dsteele@perkinscoie.com; dbarnett@perkinscoie.com; croberts@perkinscoie.com; carolyngilbert@perkinscoie.com
Cc: Fassburg, Blair <BFassburg@williamskastner.com>; Howard, Michael (UTC) <michael.howard@utc.wa.gov>; dawnblancaflor@packagingcorp.com; rachelaramburu@packagingcorp.com; rod@wrra.org; jamesells47@gmail.com
Subject: Complainant Basin Disposal, Inc.'s Third Data Requests to Jammie's Environmental, Inc.

External Email

Good Morning,

Attaching Basin Disposal, Inc.'s Third Data Requests Nos. 44 through 47 to Jammie's Environmental, Inc.
Including Word version for your use.

Best,

Maggi Gruber

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WASHINGTON OREGON

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