

Fassburg, Blair

From: Fassburg, Blair
Sent: Friday, July 22, 2022 2:57 PM
To: Steele, David S. (BEL)
Cc: Barnett, Donna L. (BEL); Roberts, Cassie (POR); Gilbert, Carolyn S. (SEA)
Subject: RE: BDI's Responses to Jammie's First Set of Data Requests - Request for Meet and Confer and Immediate Action

Hi David,

I pointed out your failure to meet and confer before making improper objections regarding vagueness just yesterday. You disregarded the requirement in your response, but perhaps I misunderstand and you've fully complied with the requests. I think we will need to discuss that and some of the other requests that do not appear to have received a response, not to mention some of your confidentiality designations, at the same time we discuss what you have outlined below. I don't see how the available time today will be insufficient to do that, particularly because the objections you identified in your email below are the two most significant limitations on our responses that exist, and will cover the bulk of your data requests.

As to your demand for immediate response on those two objections, I don't intend to provide you a brief by email, but I cited to rules and cases that support our objections in the responses themselves, and would be happy to discuss them with you further. If you intend to file a motion to compel without a proper conference on them, I will be more than happy to raise the issue of your failure to meet and confer in good faith with Judge Howard. I don't think he will want his time wasted, so I suggest we find a single time to confer on all issues and then tee up any remaining discover disputes for the same call with Judge Howard.

Best regards,

Blair I. Fassburg

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WASHINGTON OREGON

From: Steele, David S. (BEL) <DSteele@perkinscoie.com>
Sent: Friday, July 22, 2022 2:23 PM
To: Fassburg, Blair <BFassburg@williamskastner.com>
Cc: Barnett, Donna L. (BEL) <DBarnett@perkinscoie.com>; Roberts, Cassie (POR) <CRoberts@perkinscoie.com>; Gilbert, Carolyn S. (SEA) <CarolynGilbert@perkinscoie.com>
Subject: RE: BDI's Responses to Jammie's First Set of Data Requests - Request for Meet and Confer and Immediate Action

Blair,

That time works for us. Since we asked for the meet and confer, I'd like to get through our questions/concerns first. We are happy to discuss Jammie's responses as well, time permitting. So we have adequate time, scheduling time on Monday for your questions might be better.

Before our call and in the interest of trying to reach a resolution on as much as possible on this meet and confer, please clarify BDI's position on the two BDI objections identified below. We need to know whether we need to file a motion to compel.

Thanks

David Steele | Perkins Coie LLP

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From: Fassburg, Blair <BFassburg@williamskastner.com>

Sent: Friday, July 22, 2022 1:57 PM

To: Steele, David S. (BEL) <DSteele@perkinscoie.com>

Cc: Barnett, Donna L. (BEL) <DBarnett@perkinscoie.com>; Roberts, Cassie (POR) <CRoberts@perkinscoie.com>; Gilbert, Carolyn S. (SEA) <CarolynGilbert@perkinscoie.com>

Subject: RE: BDI's Responses to Jammie's First Set of Data Requests - Request for Meet and Confer and Immediate Action

Hi David,

I am happy to confer with you, so long as you're prepared to confer about the issues we take with a number of Jammie's responses at the same time. Will 3:00 work for you?

Blair I. Fassburg

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WASHINGTON OREGON

From: Steele, David S. (BEL) <DSteele@perkinscoie.com>

Sent: Friday, July 22, 2022 12:58 PM

To: Fassburg, Blair <BFassburg@williamskastner.com>

Cc: Barnett, Donna L. (BEL) <DBarnett@perkinscoie.com>; Roberts, Cassie (POR) <CRoberts@perkinscoie.com>; Gilbert, Carolyn S. (SEA) <CarolynGilbert@perkinscoie.com>

Subject: BDI's Responses to Jammie's First Set of Data Requests - Request for Meet and Confer and Immediate Action

Blair,

We would like to schedule a meet and confer with you this afternoon to discuss Basin Disposal, Inc.'s ("BDI") inadequate responses (or nonresponses) to Jammie's Environmental, Inc.'s ("Jammie's") first set of data requests on BDI (001-021). Please let us know what time works for you.

Additionally, there are several objections in most of BDI's responses that are, frankly, absurd, and require immediate resolution, including (1) BDI's objection that discovery on the Application proceeding is not permitted and (2) BDI's objection relating to BDI's performance or fitness in providing service. We request that

BDI immediately agree to revise its responses to remove these objections; otherwise, Jammie's intends to file a motion to compel and request additional time to file direct testimony in light of Jammie's inability to conduct discovery.

As stated above, we are available today to meet and confer more broadly on BDI's responses to Jammie's data requests. On the two objections identified above, we request BDI provide its position immediately so we can move forward with a motion.

Happy to discuss,

David

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