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HONORABLE J. KATHLEEN LEARNED

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AUG 28 2000

KING COUNTY
SUPERIOR COURT

JUDGE
J. KATHLEEN LEARNED

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

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

Case No.: 00-2-17565-5 SEA

Plaintiffs,

~~PROPOSED~~ ORDER GRANTING AT&T
CORP.'S MOTION TO DISMISS

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.

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.

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 *5th* day of *November*, 2000. *DSP under the contracts at*

6 *issue herein, and if so*
7 *if 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.

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By: *Kelly Twiss Noonan*
Kelly Twiss Noonan (WSBA #19096)
Laura J. Buckland (WSBA #16141)
Attorneys for Defendant AT&T Corp.