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 PAC-WEST TELECOMM, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

15 VERIZON CALIFORNIA, INC., a California
 corporation,

16 Plaintiff,

17 v.

18 MICHAEL R. PEEVEY, LORETTA M. LYNCH,
 19 CARL W. WOOD, GEOFFREY F. BROWN,
 AND SUSAN P. KENNEDY, in their official
 20 capacities as Commissioners of the Public
 Utilities Commission of the State of California,
 21 and not as individuals; AND PAC-WEST
 TELECOMM, INC.,

22 Defendants.
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Case No. C 03-03441 CW

**PAC-WEST TELECOMM, INC.’S
 STATEMENT OF RECENT
 DECISION**

Date: March 12, 2004
 Time: 10 A.M.
 Courtroom: 2, 4th Floor
 Judge: Hon. Claudia Wilken

1 PAC-WEST TELECOMM, INC.,
2 Counterclaimant,
3 v.
4 VERIZON CALIFORNIA, INC.,
5 Counterdefendant.

6 PAC-WEST TELECOMM, INC.,
7 Cross-claimant,
8 v.
9 THE PUBLIC UTILITIES COMMISSION OF
10 THE STATE OF CALIFORNIA, MICHAEL R.
11 PEEVEY, LORETTA M. LYNCH, CARL W.
12 WOOD, GEOFFREY F. BROWN, AND SUSAN
13 P. KENNEDY, in their official capacities as
14 Commissioners of the Public Utilities
15 Commission of the State of California, and not as
16 individuals,
17 Cross-defendants.

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1 Pursuant to Northern District of California Civil Local Rule 7-3(d), defendant Pac-West
2 Telecomm, Inc. (“Pac-West”) hereby respectfully submits a March 5, 2004 Opinion from the
3 United States Court of Appeals for the Seventh Circuit: *Indiana Bell Telephone Co., v. McCarty*,
4 Nos. 03-1123, 03-1122 & 03-1124, Slip Op. at 9-13 (citing *In re Petition of WorldCom, Inc.*, 17
5 F.C.C.R. 27039 (July 17, 2002) (“*Virginia Arbitration Order*”) (Joint Appendix 1183-1556)).
6 A copy of that Opinion is attached as Exhibit A to this Statement of Recent Decision.

7 Pac-West submits that the Opinion is relevant to the Court’s consideration of the parties’
8 cross-motions for summary judgment, set for hearing on Friday, March 12, 2004.

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10 Dated: March 8, 2004

D. ANTHONY RODRIGUEZ
MORRISON & FOERSTER LLP

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By: /s/ D. Anthony Rodriguez
D. Anthony Rodriguez

Attorneys for Defendant /
Counterclaimant / Cross-claimant
PAC-WEST TELECOMM, INC.