

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE: NOS COMMUNICATIONS)
MDL No. 1357)
_____)

Master File No. CV-S-01-0861-LDG-(PAL)
Civil Action No. 2:00-CV-01465-LDG-LRL

CTA RESEARCH CORP., on behalf of itself)
and all others similarly sitatuted,)

Plaintiff,)

v.)

AFFINITY NETWORK, INC. d/b/a)
QUANTUMLINK COMMUNICATIONS,)
INC.)

Defendant.)
_____)

**ORDER ON PLAINTIFF
CTA RESEARCH CORP.'S MOTION TO
COMPEL RESPONSES TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO DEFENDANT
AFFINITY NETWORK, INC. d/b/a
QUANTUMLINK COMMUNICATIONS**

Plaintiff CTA Research Corporation's motion to compel responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents to Defendant Affinity Network, Inc. d/b/a QuantumLink Communications came on for hearing before the Honorable Lloyd D.

George on November 22, 2010, at 2:00 p.m. in the United States District Court for the District of Nevada, located at 333 S. Las Vegas Boulevard, Las Vegas, Nevada.

Pursuant to Federal Rule of Civil Procedure 37, Plaintiff seeks an order compelling Defendant to provide full and complete responses to Plaintiff's Interrogatory No.'s 1 through 22, inclusive, and Requests for Production No.'s 4 through 6, inclusive. Plaintiff contends that the information it seeks is relevant to its Truth-in-Billing claim, 47 C.F.R. § 64.2401, in that it seeks information that is reasonably calculated to lead to the discovery of admissible evidence relating to damages that do not run afoul of the filed-rate doctrine. Specifically, Plaintiff requests that Defendant state with specificity each of the provisions of its filed tariff that are implicated by telephone calls of differing durations made at different times to different locations as reflected in its Interrogatories. Plaintiff further contends that as presently constituted, Defendant's responses are incomplete, evasive, and otherwise insufficient.

Defendant counters that Plaintiff's motion should be denied because Plaintiff seeks discovery for a claim that is not asserted in its Complaint. Alternatively, Defendant contends that its responses are nevertheless sufficient because they refer Plaintiff to the filed tariff, which speaks for itself. Specifically, Defendant contends that the tariff contains all of the information that Plaintiff seeks and Defendant is legally barred from providing any additional, different or alternative terms or interpretations.

The matter having been argued orally and submitted, the Court **ORDERS** as follows:

Plaintiff's motion to compel Defendant to provide further discovery responses is GRANTED (No.'s 199 and 207 in 2:01-cv-00861). Defendant is ordered to provide further, complete answers to Plaintiff's First Set of Interrogatories, Interrogatory No.'s 1 through 22, inclusive, and to Plaintiff's First Set of Requests for Production of Documents, Request No.'s 4

through 6, inclusive, and produce all non-privileged documents requested not later than (30) days from the date of entry of this order.

DATED this 3 day of Dec, 2010


Honorable Lloyd D. George
United States District Judge

By: _____/s/_____
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