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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In Re: NOS COMMUNICATIONS MDL
No. 1357

CTA RESEARCH CORP.,

Plaintiff,

v.

AFFINITY NETWORK, INC. D/B/A
QUANTUMLINK COMMUNICATIONS,
INC.,

Defendant.

Case No. 2:01-cv-00861-LDG (PAL)
Case No. 2:00-cv-01465-LDG (LRL)

ORDER

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.

1 Pursuant to Federal Rule of Civil Procedure 37, Plaintiff seeks an order compelling
2 Defendant to provide full and complete responses to Plaintiff's Interrogatory No.'s 1
3 through 22, inclusive, and Requests for Production No.'s 4 through 6, inclusive. Plaintiff
4 contends that the information it seeks is relevant to its Truth-in-Billing claim, 47 C.F.R.
5 §64.2401, in that it seeks information that is reasonably calculated to lead to the discovery
6 of admissible evidence relating to damages that do not run afoul of the filed-rate doctrine.
7 Specifically, Plaintiff requests that Defendant state with specificity each of the provisions of
8 its filed tariff that are implicated by telephone calls of differing durations made at different
9 times to different locations as reflected in its Interrogatories. Plaintiff further contends that
10 as presently constituted, Defendant's responses are incomplete, evasive, and otherwise
11 insufficient.

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

18 The matter having been argued orally, Plaintiff having submitted a Proposed Order,
19 Defendant having filed an objection and a Proposed Order,


20 THE COURT **ORDERS** that Plaintiff's Motion to Compel Defendant to Provide
21 Further Discovery Responses is GRANTED (## 199, 207). Defendant is ORDERED to
22 provide further, complete answers to Plaintiff's First Set of Interrogatories, Interrogatory
23 No.'s 1 through 22, inclusive, and to Plaintiff's First Set of Requests for Production of
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1 Documents, Request No.'s 4 through 6, inclusive, and produce all non-privileged
2 documents requested not later than thirty days from the date of this Order.

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4 DATED this 29 day of March, 2011.

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Lloyd D. George
United States District Judge

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