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HONORABLE Marsha J. Pechman

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAROLYN ANDERSON,

Plaintiff,

No. 11-00902 MJP

JOINT STATUS REPORT

vs.

DOMINO'S PIZZA, INC., DOMINO'S
PIZZA, LLC, FOUR OUR FAMILIES, INC.,
and CALL-EM-ALL, LLC,

Defendants.

Plaintiff and Defendants, in compliance with the Court's July 5, 2011 Order, inform the Court as follows.

1. ^{Doc. 15} **Nature and complexity of case.** Plaintiff contends Defendants made or caused to be made illegal pre-recorded telephone calls to her and other members of the proposed class, in violation of state and federal law. This action was originally filed in state court and removed by Defendant Call-Em-All, LLC after the state court complaint was amended to add said Defendant. Defendants deny Plaintiff's claims and allegations. This case may be complex given class certification issues, including whether this action should be certified as a nationwide (or any) class action. Defendants contend that class

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2 certification is not appropriate in this case. This case was removed to this Court on May 31,
3 2011. Plaintiff's motion for class certification should be filed by December 1, 2011.

4 **2. Method of ADR.** The parties agree that mediation should be used.

5 **3. Timing of ADR.** Plaintiff believes ADR should occur within four months
6 of the filing of this Report. Defendants believe it should occur within 6 months.

7 **4. Deadline to Join Additional Parties.** September 15, 2011.

8 **5. Proposed discovery plan.** The FRCP 26(f) conference took place on July
9 20, 2011. The FRCP 26(a) initial disclosures will be served on August 9, 2011. Plaintiff
10 will seek discovery to enable her to file a motion for class certification and establish
11 liability. Defendants believe that initial discovery should be limited to discovery about
12 plaintiff's individual claims and the class action requirements of Rule 23 of the Federal
13 Rules of Civil Procedure, and that discovery relating to absent class members be deferred
14 until after the Court's ruling on class certification. Plaintiff believes she will require more
15 than twenty-five interrogatories but otherwise believes no changes in the limitations on
16 discovery imposed under the Federal and Local Civil Rules are necessary. Defendants do
17 not agree Plaintiff will require extra interrogatories and no changes in the limitations on
18 discovery imposed under the Federal and Local Civil Rules are necessary. The parties will
19 manage discovery so as to minimize expense. To the extent any party brings a dispositive
20 motion, any other party may seek discovery related thereto.

21 **6. Completion of Discovery.** Plaintiff believes discovery related to class
22 certification and should be can be completed by October 31, 2011 so that her Motion for
23 Class Certification may be timely filed. Following the Court's ruling on class certification,
24 the parties would request leave to submit to the Court a discovery plan related to merits.
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2 **7. No consent to Magistrate Judge.** The parties do not consent to a
3 Magistrate Judge conducting the proceedings in this case.

4 **8. Bifurcation.** The parties agree bifurcation is not necessary.

5 **9. Pretrial Statements.** Plaintiff believes the pretrial statements and pretrial
6 order called for by Local Rules CR 16(e), (h), and (l) and 16.1 should be dispensed with in
7 whole. Defendants do not so agree.

8 **10. Other Suggestions for Shortening Trial.** None at this time.

9 **11. Date case ready for trial.** Plaintiff and Defendant Four Our Families
10 believe the case will be ready for trial as of April 1, 2012. Defendants Domino's Pizza,
11 Domino's Pizza, LLC and Call-Em-All believe they will be ready for trial as of June 1,
12 2012.

13 **12. Jury or non-jury.** There is no jury demand.

14 **13. Number of trial days required.** The parties believe the case will be
15 resolved on motions practice and there probably will be no trial. If there is a trial it should
16 require no more than five days.

17 **14. Trial counsel.** Names, addresses, and telephone numbers of all trial counsel
18 are as follows:

19 FOR PLAINTIFF:

20
21 Rob Williamson
22 Kim Williams
23 WILLIAMSON & WILLIAMS
24 17253 Agate Street NE
25 Bainbridge Island, WA 98110
26 (206) 780-4447

1
2 FOR DEFENDANTS DOMINO'S PIZZA, INC., and DOMINO'S PIZZA, LLC

3 David Soderland
4 DUNLAP & SODERLAND, P.S.
5 901 Fifth Avenue, Suite 3003
6 Seattle, WA 98164
7 (206) 682-0902

8 FOR DEFENDANT FOUR OUR FAMILIES, INC.

9 Nelson Fraley
10 Nicole Brown
11 FAUBION, REEDER, FRALEY & COOK, PS
12 5920 – 100th Street SW, #25
13 Lakewood, WA 98499
14 (253) 581-0660

15 FOR DEFENDANT CALL EM ALL, LLC

16 Andrew Lustigman
17 Scott Shaffer
18 OLSHAN GRUNDMAN FROME
19 ROSENZWEIG & WOLOSKY LLP
20 Park Avenue Tower
21 65 East 55th Street
22 New York, NY 10022
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24 Kelly Corr (local counsel)
25 CORR CRONIN MICHELSON
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DATED: July 26, 2011

WILLIAMSON & WILLIAMS
/s/ Rob Williamson
Rob Williamson, WSBA #11387
Attorney for Plaintiff

DUNLAP & SODERLAND, P.S.

/s/ David Soderland
David Soderland, WSBA #6927
Attorney for Defendant Domino's Pizza

FAUBION, REEDER, FRALEY & COOK, PS

/s/ Nicole Brown
Nicole Brown, WSBA #40704
Attorney for Defendant Four Our Families, Inc.

OLSHAN GRUNDMAN FROME
ROSENZWEIG & WOLOSKY LLP

/s/ Andrew Lustigman
Andrew Lustigman (pro hac)

Attorneys for Defendant Call-Em All, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all Counsel of record who receive CM/ECF notification and that the remaining parties be served in accordance with the Federal Rules of Civil Procedure.

DATED: July 26, 2011

s/Rob Williamson

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