

HONORABLE RONALD B. LEIGHTON

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

CAROLYN ANDERSON,

Plaintiff,

v.

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

Defendants.

CIVIL ACTION NO.: C11-902-RBL

**CALL-EM-ALL, LLC'S INITIAL  
DISCLOSURES PURSUANT TO  
FED.R.CIV.P. 26(a)(1) AND CR 26**

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and CR 26, comes now defendant Call-Em-All, LLC (hereinafter "CEA"), by and through its undersigned attorneys, and makes the following Initial Disclosures, which are based upon CEA's best present information and knowledge. CEA hereby reserves the right to supplement and/or modify these disclosures upon the acquisition of additional facts or knowledge. With this submission, CEA does not waive any applicable privilege, including but not limited to the attorney-client privilege and work-product privilege, and it expressly retains the right to assert any such privilege where appropriate.

**CALL-EM-ALL, LLC'S INITIAL DISCLOSURES –  
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Case No. 11-902-RBL

**CORR CRONIN MICHELSON  
BAUMGARDNER & PREECE LLP**  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900

1 CEA hereby discloses the following information:

2 I. The name and, if known, the address and telephone number of each  
3 individual likely to have discoverable information, along with the subjects of that  
4 information, that the disclosing party may use to support its claims or defenses, unless  
5 solely for impeachment, identifying the subjects of the information.  
6

7 **RESPONSE:**

8 Plaintiff Carolyn Anderson, who will be contacted through her counsel, is likely to  
9 have discoverable information regarding the basis of her allegations, her telephone records,  
10 her qualifications to serve as lead plaintiff, and her efforts, or lack thereof, with respect to  
11 the duty to mitigate damages;

12 Defendant Four Our Families, Inc., and any employees or agents of Four Our  
13 Families, Inc. who may have used CEA's services. They will be contacted through Four  
14 Our Families, Inc.'s counsel. They are likely to have discoverable information regarding  
15 the Terms Of Use of its User Agreement with CEA, the calls it allegedly placed to  
16 plaintiff, its acquisition of plaintiff's and other telephone numbers at issue herein, the  
17 content of its calls, its use of CEA's services, and the nature of its relationship to the other  
18 parties in this action;

19 Michael W. Brown, president of Four Our Families, Inc., who will be contacted  
20 through his counsel, is likely to have discoverable information regarding matters identified  
21 above with respect to Four Our Families, Inc., as well as his deposition testimony given in  
22 this action prior to CEA being named as a party;  
23  
24

1 Defendant Domino's Pizza, Inc., who will be contacted through its counsel, is  
2 likely to have discoverable information regarding the nature of its relationship with  
3 defendant Four Our Families, Inc.;

4 Brad Herrmann, president of CEA, should be contacted through CEA's counsel:  
5 Olshan Grundman Frome Rosenzweig & Wolosky LLP, Park Avenue Tower, 65 East 55th  
6 Street, New York, NY 10022, telephone: 212.451.2300. Mr. Herrmann may testify  
7 regarding the Terms Of Use of the User Agreement with Four Our Families, Inc., the  
8 nature of CEA's relationship to the other parties in this action and CEA's procedures and  
9 practices.  
10

11 Pat Reimers, who is employed in the customer service department of CEA, should  
12 be contacted through CEA's counsel: Olshan Grundman Frome Rosenzweig & Wolosky  
13 LLP, Park Avenue Tower, 65 East 55th Street, New York, NY 10022, telephone:  
14 212.451.2300. Ms. Reimers may testify regarding CEA's procedures and practices and  
15 any contact she may have had with Four Our Families, Inc.  
16

17 II. A copy of, or a description by category and location of, all documents, data  
18 compilations, electronically stored information, and tangible things that the disclosing  
19 party has in its possession, custody, or control of the party and that the disclosing party  
20 may use to support its claims or defenses, unless the use would be solely for impeachment.  
21

22 **RESPONSE:**

23 Documents, both "hard copies" and electronically stored information, are located at  
24 CEA's office or stored on its computers, at the following address: 2611 Internet Blvd,  
Suite 120, Frisco, TX 75034. Categories of documents include CEA's User Agreement

1 with Four Our Families, Inc., e-mail communications with Four Our Families, Inc.,  
2 historical screen shots from CEA's website and other documents concerning Four Our  
3 Families, Inc.

4 III. A computation of each category of damages claimed by the disclosing  
5 party, who much also make available for inspection and copying as under Rule 34 the  
6 documents or other evidentiary material, unless privileged or protected from disclosure, on  
7 which each computation is based, including materials bearing on the nature and extent of  
8 injuries suffered.

9  
10 **RESPONSE:**

11 CEA plans to assert cross-claims against defendant Four Our Families, LLC, which  
12 arise under the Terms Of Use of the parties' User Agreement, including the  
13 indemnification, defense and hold harmless provisions located therein. A computation of  
14 damages is not possible at this time, but would consist of any amounts that CEA was found  
15 liable towards plaintiff or a potential class in this action, as well as any other losses,  
16 liabilities, expenses, damages and costs, including reasonable attorneys' fees, sustained by  
17 CEA as a result of Four Our Families, LLC's actions in this case.

18  
19 IV. For inspection and copying as under Rule 34, any insurance agreement  
20 under which an insurance business may be liable to satisfy all or part of a possible  
21 judgment which may be entered in the action or to indemnify or reimburse for payments  
22 made to satisfy the judgment.

23  
24 **RESPONSE:**

None.

1 Dated: August 9, 2011

2 Respectfully submitted,

3 **CORR CRONIN MICHELSON**  
4 **BAUMGARDNER & PREECE LLP**

5 /s/ Christina N. Dimock

6 By: Kelly P. Corr, WSBA No. 555  
7 Christina Dimock, WSBA No. 40159  
8 1001 4th Ave., Suite 3900  
9 Seattle, WA 98154-1051  
10 [kcorr@corrchronin.com](mailto:kcorr@corrchronin.com)  
11 [cdimock@corrchronin.com](mailto:cdimock@corrchronin.com)  
12 Tel. 206.625.8600  
13 Fax. 206.625.0900

14 **OLSHAN GRUNDMAN FROME**  
15 **ROSENZWEIG & WOLOSKY LLP**  
16 Andrew B. Lustigman (pro hac pending)  
17 Scott Shaffer (pro hac pending)  
18 Park Avenue Tower  
19 65 East 55th Street  
20 New York, New York 10022  
21 [andy@lfirm.com](mailto:andy@lfirm.com)  
22 [scott@lustigmanfirm.com](mailto:scott@lustigmanfirm.com)  
23 Tel. 212.451.2300  
24 Fax. 212.451.2222

ATTORNEYS FOR  
DEFENDANT CALL-EM-ALL, LLC

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies as follows:

3 I am employed at Corr Cronin Michelson Baumgardner & Preece LLP, attorneys of  
4 record for Defendant Call-Em-All, LLC herein.

5 I hereby certify that on this date, I electronically filed the attached foregoing with  
6 the Clerk of the Court using the CM/ECF system, which will send notification of such  
7 filing to the following persons:  
8

9 Kim Williams  
10 Rob Williamson  
11 Williamson & Williams  
12 17253 Agate St. NE  
13 Bainbridge Island, WA 98110  
14 *Attorneys for Plaintiffs*

David M. Soderland  
Dunlap & Soderland, P.S.  
901 Fifth Avenue, Suite 3003  
Seattle, WA 98164  
*Attorneys for Domino's Pizza, LLC*

13 Nelson C. Fraley II  
14 Faubion, Reeder, Fraley & Cook, P.S.  
15 5920 – 100<sup>th</sup> St. SW #25  
16 Lakewood, WA 98499  
17 *Attorneys for Defendant Four Our Families, Inc.*

18 I declare under penalty of perjury under the laws of the state of Washington  
19 that the foregoing is true and correct.

20 DATED: August 9, 2011 at Seattle, Washington.

21 /s/ Heidi M. Powell

22 Heidi M. Powell