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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAROLYN ANDERSON,
Plaintiff,
vs.
DOMINO'S PIZZA, INC., DOMINO'S
PIZZA, LLC, FOUR OUR FAMILIES, INC.
and CALL-EM-ALL, LLC,
Defendants.

No. C11-902RBL

DECLARATION OF ROB
WILLIAMSON IN SUPPORT
PLAINTIFF'S MOTION TO EXTEND
CLASS CERTIFICATION DEADLINE
UNDER W.D. WASH. LOCAL RULES
7(d)(2)(A) AND 23(i)(3)

NOTED ON MOTION CALENDAR:
January 20, 2012

I, Rob Williamson, declare under penalty of perjury as follows:

1. I am one of the lawyers representing Plaintiff Carolyn Anderson in this case.
2. Defendants Domino's Pizza, Inc. and Domino's Pizza, LLC ("Domino's") originally filed a motion for summary judgment while this matter was pending in King County Superior Court on April 22, 2011. I immediately conferred with Domino's counsel regarding rescheduling the motion so that discovery could be completed, especially depositions of Domino's personnel in Ann Arbor, Michigan. A few weeks later Domino's and Defendant Four Our Families, Inc. ("FOFI") agreed to permit Plaintiff to amend her complaint to add a new party, defendant Call Em All, Inc. ("CEA").
3. CEA removed this case to this Court on May 31, 2011 and it was assigned

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(No. C11-902-RBL)

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2 to Judge Pechman on June 1, 2011. An order regarding initial disclosures, joint status
3 report and early settlement was issued on July 5, 2011. The Joint Status Report of the
4 parties was filed on July 26, 2011. The case was transferred to this Court on July 29,
5 2011, and on August 9, 2011; this Court issued a minute order setting trial and other
6 dates. Call-Em-All moved to amend its answer on **August 22, 2011** to assert a claim
7 against Defendant Four Our Families, Inc. (FOFI), who did not file an answer until
8 **September 21, 2011**.

9 4. Trial was set for September 24, 2012. The order was silent as to when
10 class certification was to be filed. At that time I was aware that Domino's intended to
11 renew its summary judgment motion when possible.

12 5. Depositions were taken of Domino's personnel on October 28, 2011. The
13 owner of CEA was deposed on December 2, 2011.

14 6. Domino's filed its summary judgment motion on November 28, 2011. I
15 asked Domino's counsel for more time due to the holidays and the fact that Domino's
16 responses to Plaintiff's discovery requests were incomplete and inadequate. Domino's
17 did not respond until **December 5, 2011**, with a refusal.

18 7. Because of Domino's refusal to continue the summary judgment motion to
19 provide time for more discovery and to accommodate Plaintiff's counsel over the
20 Christmas holiday, Plaintiff immediately filed a Motion for Continuance of the Summary
21 Judgment Motion, which Domino's opposed. Because the Court did not have time to rule
22 on that Motion prior to the date when our Opposition to the Summary Judgment Motion
23 was to be filed, we did prepare and submit our opposition on December 28, 2011. This
24 Court granted the continuance rescheduling the summary judgment motion for March 30,
25 2012 (Dkt. #43)

26 8. While I realized that Plaintiff's class certification motion was to be filed
when the necessary evidence to support it had been obtained, I also concluded I had to

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2 take the deposition of the owner of CEA, and to respond to the summary judgment
3 motion of Dominos. In my own mind, the summary judgment motion was the priority for
4 all the parties and it was to be resolved before proceeding with other motions, including
5 class certification. When I realized that Domino's was claiming the class certification
6 motion should have been filed by November 29, 2011, I immediately began to prepare it,
7 but had to wait for the deposition of Mr. Herrmann, President of CEA, to be taken, obtain
8 the transcript and, at the same time, begin to respond to the summary judgment motion.

9 9. This case has been vigorously litigated with, generally, civil
10 accommodations among counsel as to each other's schedules and other demands.
11 Plaintiff has pursued the case in good faith, and diligently to obtain the necessary
12 discovery and evidence for class certification and trial. When suit was filed, Plaintiff did
13 not know what parties were responsible for placing the calls at issue, as is typical in robo-
14 call solicitation cases. Almost a year passed before it was possible to add Defendant
15 Call-Em-All, which then removed the case.

16 10. Defendants have been less than forthright in discovery. For example,
17 Domino's responses to Plaintiff's discovery requests were incomplete and inadequate, as
18 detailed in Plaintiff's Motion for CR 56(d) Continuance of Domino's Motion for
19 Summary Judgment, which continuance this Court recently granted. Domino's provided
20 no electronically stored information (ESI), which Anderson originally requested when
21 this case was in Washington State Superior Court, before Domino's removed it to this
22 Court.

23 11. There is no prejudice to any of the Defendants to permitting the class
24 certification motion to be filed a mere 25 days after the deadline required by the local
25 rule. When the class certification motion was filed I had intended to advise the Court that
26 I realized it was beyond the deadline established by the Local Rules but asking the Court
to extend that deadline for good cause. In the haste to finalize and file the class

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2 certification motion, that note was not included in the motion. I apologize to the Court
3 and the parties for neglecting to include the note.

4 I declare under penalty of perjury of the laws of the State of Washington and the
5 United States that the foregoing statements are true and correct.

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7 DATED this 12th day of January on Bainbridge Island, WA.

8 /s/Rob Williamson
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