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 OF PLAINTIFF'S REPLY ON 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") and Four Our Families, Inc. ("FOFI") suggest that all of the information necessary to file for class certification was available prior to November 28, 2011. They ignore that the deposition of one defendant, Call-Em-All, LLC, could not be taken until December 2, 2011. Call-Em-All did not submit its responses to Plaintiff's written discovery until September 9, 2011. After reviewing them, Call-Em-All's counsel and I exchanged e-mails about meeting or otherwise reviewing some questions I had about the answers. Many of those were answered by September 27, 2011, at which time I asked for depositions to be scheduled of Call-Em-All personnel in Texas. For various reasons the depositions could not be scheduled until December 2, 2011, over two months later. Thereafter the transcript was ordered for additional review. It is odd to fault Plaintiff for

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Anderson v. Domino's Pizza, Inc. et al Doc. 69
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1 completing appropriate discovery before filing her Motion for Class Certification. Call-Em-All is
2 one of the three defendants in the case, and discovery depositions of its personnel were
3 appropriate before filing class certification.

4 3. Domino's claims that "Anderson made a tactical decision not to depose Mr.
5 Herrmann [Call-Em-All's CEO] until after the class certification deadline." (Domino's Response,
6 at 3). This is a false statement which is, of course, unsupported by evidence and is intended only
7 as a provocative charge to support Domino's position.

8 4. Plaintiff has provided a reasonable explanation for her three-week inadvertence.
9 Without engaging the Court in the details of discovery disputes, Plaintiff has explained that
10 Defendants withheld discovery, delayed scheduling depositions and refused to accommodate
11 Plaintiff's counsel's scheduling requests (including during the holidays).

12 5. Domino's claims that the "only" request of Plaintiff for Electronically Stored
13 Information ("ESI") was not made until December 8, 2011. Domino's conveniently omits
14 advising the Court that it had consistently refused to provide complete discovery even while this
15 case was pending in state court. There is no requirement with respect to discovery that a
16 propounding party insist that the responding party make a good faith effort to locate documents
17 and information, in whatever form they exist, to fulfill its discovery obligations. Domino's
18 position was and is that it has no obligation to review ESI unless it is specifically requested. That
19 is not the law.

20 6. Domino's observes that Anderson is not prejudiced by denial of the Class
21 Certification Motion, but that prejudice will be experienced by her counsel. In fact, if the Class
22 Certification Motion is not heard, the entire class that were the victims of the Defendants' Robo-
23 call marketing campaign will be prejudiced.

24 7. Call-Em-All claims without any justification that the Class Certification Motion
25 could and should have been brought after the deposition had been taken of the owner of
26 Defendant Four Our Families, Inc. It does not mention the over-two-month delay in scheduling

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the deposition of its personnel, and the importance of deposing a defendant before bringing a class certification motion against it.

8. Call-Em-All concedes that it has and will suffer no prejudice by permitting the Class Certification Motion to be determined on the merits.

9. Like Domino's, Call-Em-All claims the only prejudice by declining to consider the Class Certification Motion is sustained by Plaintiff's counsel "who would lose out on the potential recovery of attorney's fees..." (Opposition of Call-Em-All, at 6). It is naïve and unrealistic to think that the thousands of victims of Defendants' conduct can or should individually bring their claims for $500.00. It is also insulting and uncivil to suggest Plaintiff's counsel is motivated by the prospect of fees.

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

DATED this 20th day of January on Bainbridge Island, WA.

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/s/Rob Williamson
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