

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
FOR THE 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.

CLASS ACTION

No. C11-902RBL

DECLARATION OF ROB WILLIAMSON IN
SUPPORT OF PLAINTIFF'S MOTION FOR AN
ORDER COMPELLING DEFENDANTS
DOMINO'S PIZZA, INC. AND DOMINO'S
PIZZA, LLC TO PRODUCE PROPER FRCP
30(B)(6) WITNESSES AND SANCTIONS

NOTED FOR HEARING: April 6, 2012

I, Rob Williamson, declare:

1. I am one of the Attorneys for the Plaintiff in this matter.
2. The 30(b)(6) Notice and Amended 30(b)(6) Notice are attached to this declaration as Exhibit 1.
3. Excerpts of the Christopher Roeser Deposition are attached to this declaration as Exhibit 2.
4. Excerpts of the Natalie Haydon Deposition are attached to this declaration as Exhibit 3.

DECLARATION OF ROB WILLIAMSON IN SUPPORT OF PLAINTIFF'S
MOTION FOR AN ORDER COMPELLING DEFENDANTS
DOMINO'S PIZZA, INC. AND DOMINO'S PIZZA, LLC TO PRODUCE
PROPER FRCP 30(B)(6) WITNESSES AND SANCTIONS 1
(No. C11-902-RBL)

**WILLIAMSON
& WILLIAMS**

17253 AGATE STREET NE
BAINBRIDGE ISLAND, WA 98110
(206) 780-4447
(206) 780-5557 (FAX)
www.williamsllaw.com

1 I declare under penalty of perjury of the laws of the State of Washington that the
2
3 foregoing statement is true and correct.

4 DATED this 20th day of March 2012 on Bainbridge Island, WA.
5

6 WILLIAMSON & WILLIAMS

7 By /s/ Rob Williamson
8 Rob Williamson, WSBA #11387
9 17253 Agate Street NE
10 Bainbridge Island, WA 98110
11 Telephone: (206) 780-4447 Fax: (206) 780-5557
12 Email: roblin@williamslaw.com

13 *Attorneys for Plaintiff*
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EXHIBIT 1

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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

<p>CAROLYN ANDERSON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>DOMINO'S PIZZA, INC., DOMINO'S PIZZA, LLC, FOUR OUR FAMILIES, INC. and CALL-EM-ALL, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>No. C11-902RBL</p> <p>NOTICE OF DEPOSITON PURSUANT TO FRCP 30(b)(6) TO DOMINO'S PIZZA, INC. AND DOMINO'S PIZZA, LLC</p>
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TO: DOMINO'S PIZZA, INC. AND DOMINO'S PIZZA, LLC, and its Attorneys.

Notice is given pursuant to FRCP 30(b)(6) that the deposition of DOMINO'S PIZZA, INC. AND DOMINO'S PIZZA, LLC will be taken at Huron Reporting & Video Conferencing Center, 623 W Huron Street, Ann Arbor, MI, 48103 on January 23, 2012 at 9:00 a.m. regarding the matters set forth below.

YOU ARE HEREBY COMMANDED to designate one or more officer, director or managing agent, or other person to testify on your behalf concerning the following matters:



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1. All communications with FOUR OUR FAMILIES, INC. regarding marketing in 2008 and 2009, including but not limited to the calls made by using the CALL-EM-ALL platform.

2. All policies regarding marketing and the role of DOMINO'S PIZZA, INC. or DOMINO'S PIZZA, LLC regarding marketing by FOUR OUR FAMILIES in 2008 and 2009.

3. The PULSE software or program.

4. All communications or policies from or DOMINO'S PIZZA, INC. or DOMINO'S PIZZA, LLC regarding marketing with voice broadcasting or pre-recorded telephone calls using automated dialing and announcing devices.

5. How franchisees can save telephone numbers in databases or otherwise, including the identification of the software or computer program used.

6. The telephone opt-in program or functionality (See Deposition of Chris Roeser, page 38) including but not limited to its creation the reason for its creation, its implementation, how is actually functions, when it began running, its current status, the names of all franchisees who used the functionality, all communications with RPM or any other franchisee about the functionality, all communications with RPM or any other franchisee about the decision to delete the functionality from the website.

Dated: December 7, 2011

WILLIAMSON & WILLIAMS

/s/Rob Williamson
Kim Williams, WSBA No. 9077
Rob Williamson, WSBA No. 11387
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I, Lisa Hanlon, certify under penalty of perjury under the laws of the State of Washington that on December 8, 2011, I caused the foregoing document to be served via email on the persons listed below:

David Soderland
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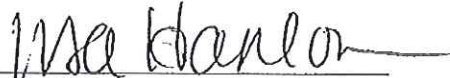
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Christina Dimock
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cdimock@correronin.com

NOTICE OF DEPOSITON PURSUANT TO FRCP 30(b)(6) TO
DOMINO'S PIZZA, INC. AND DOMINO'S PIZZA, LLC - 3
(No. C11-902RBL)

**WILLIAMSON
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Dated: December 8, 2011



Lisa Hanlon

NOTICE OF DEPOSITON PURSUANT TO FRCP 30(b)(6) TO
DOMINO'S PIZZA, INC. AND DOMINO'S PIZZA, LLC - 4
(No. C11-902RBJ.)

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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

AMENDED NOTICE OF DEPOSITON
PURSUANT TO FRCP 30(b)(6) TO
DOMINO'S PIZZA, INC. AND
DOMINO'S PIZZA, LLC

TO: DOMINO'S PIZZA, INC. AND DOMINO'S PIZZA, LLC, and its Attorneys.

Notice is given pursuant to FRCP 30(b)(6) that the deposition of DOMINO'S PIZZA,
INC. AND DOMINO'S PIZZA, LLC will be taken at Huron Reporting & Video
Conferencing Center, 623 W Huron Street, Ann Arbor, MI, 48103 on February 10, 2012 at
9:00 a.m. regarding the matters set forth below.

YOU ARE HEREBY COMMANDED to designate one or more officer, director or
managing agent, or other person to testify on your behalf concerning the following matters:

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1. All communications with FOUR OUR FAMILIES, INC. regarding marketing in 2008 and 2009, including but not limited to the calls made by using the CALL-EM-ALL platform.

2. All policies regarding marketing and the role of DOMINO'S PIZZA, INC. or DOMINO'S PIZZA, LLC regarding marketing by FOUR OUR FAMILIES in 2008 and 2009.

3. The PULSE software or program.

4. All communications or policies from or DOMINO'S PIZZA, INC. or DOMINO'S PIZZA, LLC regarding marketing with voice broadcasting or pre-recorded telephone calls using automated dialing and announcing devices.

5. How franchisees can save telephone numbers in databases or otherwise, including the identification of the software or computer program used.

6. The telephone opt-in program or functionality (See Deposition of Chris Roeser, page 38) including but not limited to its creation the reason for its creation, its implementation, how is actually functions, when it began running, its current status, the names of all franchisees who used the functionality, all communications with RPM or any other franchisee about the functionality, all communications with RPM or any other franchisee about the decision to delete the functionality from the website.

Dated: January 12, 2012

WILLIAMSON & WILLIAMS

/s/Rob Williamson
Kim Williams, WSBA No. 9077
Rob Williamson, WSBA No. 11387
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I, Lisa Hanlon, certify under penalty of perjury under the laws of the State of Washington that on January 12, 2012, I caused the foregoing document to be served via email on the persons listed below:


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cdimock@corrchronin.com

Dated: January 12, 2012



Lisa Hanlon

EXHIBIT 2

1 Ann Arbor, Michigan
2 Friday, February 10, 2012
3 About 11:15 a.m.

4 CHRISTOPHER ROESER,
5 having first been duly sworn, was examined and
6 testified on his oath as follows:

7 EXAMINATION BY MR. WILLIAMSON:

8 Q. Would you state your name and business address for the
9 record please?

10 A. Chris Roeser, Christopher Roeser is the full name,
11 Domino's Pizza, 30 Frank Lloyd Wright Drive in Ann
12 Arbor.

13 Q. And you've been deposed before in this case, have you
14 not?

15 A. That's right.

16 Q. And you were deposed once in the RPM case, is that
17 correct?

18 A. That's correct.

19 Q. Have you been deposed by anyone else lately about
20 robocalling?

21 A. No, I haven't.

22 Q. You've been designated by Domino's to respond to two
23 topics that I've designated in a so-called 30(b)(6)
24 deposition notice. Are you aware of that?

25 A. I am.

1 Q. All right. And the first item addresses all
2 communications or policies from Domino's or regarding
3 marketing with voice broadcasting or pre-recorded
4 telephone calls. So what have you done to address that
5 topic? What have you studied or looked for?

6 A. Well, searched my recollection of the, I mean of the
7 topic, and recalled that in terms of formal policy,
8 there's nothing written in any policy book at Domino's,
9 but there was communication put together and delivered
10 to the system, what we call the system of franchisee
11 community, about the, about the placing the robocalls
12 or the automated calls.

13 The gist of that communication, and I'm sure
14 you're familiar with the FastFax. I think you have
15 that as an exhibit, of a FastFax issue in question.
16 The gist of it is that the practice is, was more or
17 less frowned on by the corporate office and although
18 there were, you know, understanding that the
19 franchisees would most likely continue that practice on
20 their own, there were some guidelines that were given
21 to them if they were to choose to do that, some, some
22 kind of do's and don'ts about the practice.

23 Q. So there was that one FastFax that I think we looked at
24 at your last deposition, is that correct?

25 A. That's correct.

1 Q. All right. And then you, when you say I otherwise
2 searched and there's nothing else written about this
3 issue, where did you search?

4 A. When I say I searched my recollection, my experience.
5 I'm exposed to other FastFax, to all the FastFax that
6 are sent out. I'm not exposed to all communication
7 that is sent to franchisees. There are different
8 sources of communication, but in my experience they
9 are, the FastFax has been the only piece of
10 communication that I've seen regarding this issue, so.

11 Q. Did you conduct a search or use search terms to in fact
12 look at all fast faxes that have been sent out to
13 franchisees regarding to see if there's any issues, any
14 fast faxes addressing this topic?

15 A. No, I don't have access to the database, if there
16 exists a database of FastFax. So I'm only able to rely
17 on my experience and my recollection.

18 Q. Okay. Did you understand that this request was for you
19 to look for and testify today about all communications
20 regarding voice broadcasting?

21 A. Yes.

22 Q. And based on that, did you do a search other than
23 within your head, and I'm not being critical, for
24 anything?

25 A. No.

1 A. No.

2 Q. Is there any communication ever to this day from
3 Domino's Corporate to franchisees that says thou shalt
4 not robocall?

5 A. As a command?

6 Q. Right.

7 A. Franchisees, I don't think Domino's is able to direct
8 franchisees specifically in what they can and cannot do
9 in terms of local marketing.

10 Q. Okay. And is there any advice or directives or
11 guidance that Domino's has issued about robocalling
12 except the one FastFax that we looked at last time that
13 you know of?

14 A. Not to my knowledge.

15 Q. But your search for that was between your ears
16 primarily, correct?

17 A. That's correct.

18 Q. All right. And I'm not belittling it because you got
19 more between yours than I do. What about did you look
20 for communications between Domino's and RPM about voice
21 marketing?

22 A. No.

23 Q. Do you believe there were such communications?

24 A. I'm aware of some communication generally on the topic
25 which relates specifically to the, I believe number six

1 on your list.

2 Q. Right.

3 A. The functionality on the website to collect, to collect
4 potential opt in, so I know of some back and forth
5 between my vice-president in 2009 and RPM around that
6 topic. But other than that, I'm not aware of any other
7 communication about voice broadcasts.

8 Q. And did you do a search for such communications using
9 search terms that -- and the names of persons who might
10 be involved to try to find such communications?

11 A. I did not.

12 Q. Okay. Let's talk about then the telephone opt in
13 program or functionality. Functionality is a way to
14 describe an aspect of how a web page might be used or
15 something like that?

16 A. That's right.

17 Q. And one thing it developed was this telephone opt-in
18 program for a while?

19 A. That's right.

20 Q. And my understanding is that developed in response to
21 the FCC regulation that came out or actually the FTC
22 that said you can't robocall people unless you have
23 their express permission, is that right?

24 A. I believe that's what motivated the franchisees or RPM
25 specifically to request that.

1 importance.

2 Q. Right.

3 A. I think we, for a while we maintained a list of things
4 that we, the rest of the functionality that we wanted
5 at some point to get to but other priorities came up
6 and you know, we always maintain a list of priorities
7 with this IT department, and it just never was, the opt
8 in specifically was just never priority, so it at some
9 point just kind of fell off the list.

10 Q. All right. As opposed to a conscious decision to look
11 at it and say we do not want to add this back in?

12 A. That's fair to say, you're right, you're right.

13 Q. Was RPM ever informed of this that you know of?

14 A. Not to my knowledge.

15 Q. To your knowledge, did they ever complain about it
16 after 9 of 2010?

17 A. No.

18 Q. But have you searched e-mails, have you talked to Rob,
19 have you otherwise tried to track down what happened
20 after September of 2010?

21 A. No, I have not.

22 Q. Okay. Now when the program was in place, which sounds
23 like at most for about a year?

24 A. Um-hum.

25 Q. My understanding from our last deposition is that there

EXHIBIT 3

1 3270 South Newcomb Street, Lakewood, Colorado, 80227.

2 Q. And I presume that you work for Domino's?

3 A. Yes.

4 Q. Okay. And when I use Domino's I mean Domino's
5 Corporate or Domino's the franchise or as opposed to
6 the franchisee that's involved in this case, all right?
7 Is that okay with you?

8 A. Yes.

9 Q. What is your job position with Domino's?

10 A. My job position?

11 Q. Yes.

12 A. I'm field marketing leader.

13 Q. Okay. And how long have you had that position?

14 A. Since August of 2008.

15 Q. Were you involved in any other kind of employment with
16 Domino's before that?

17 A. No.

18 Q. Okay. And what are your responsibilities in your
19 current job?

20 A. Current responsibilities?

21 Q. Yes.

22 A. Consist of consulting the co-op or DMA regarding
23 advertising decisions and being a liaison between
24 Domino's Corporation and those groups of franchisees in
25 terms of information regarding national promotions.

1 Q. Okay. You used some initials, consulting with what did
2 you say?

3 A. Co-op or DMA, the co-op or DMA is an established group
4 of franchisees within a certain geographical area.

5 Q. Okay. And do you have a particular region you're
6 responsible for?

7 A. I do.

8 Q. What is it called, region 8 or something like that, or
9 Northwest or?

10 A. There's not a particular region assigned to it.

11 Q. Which states does it cover?

12 A. I cover Portland, Oregon, state of Washington, Idaho,
13 Montana.

14 Q. Have you ever met Mr. Brown?

15 A. Yes.

16 Q. Okay. Do you ever visit franchisees in the field?

17 A. Yes.

18 Q. Okay. Have you met Mr. Brown there in that capacity?

19 A. Yes, I have.

20 Q. More than once?

21 A. Yes.

22 Q. Okay. And in what -- for what reasons would you have
23 been calling on him?

24 A. For dealings with the co-op, for acting as his resource
25 for marketing from the national scope as well as

1 Q. Do you know if Domino's knew that RPM was doing it?

2 A. I don't know.

3 Q. Prior to this deposition, have you done anything to
4 prepare other than consult with counsel?

5 A. I reviewed some previous e-mails and documentation
6 regarding that particular area of mine that I oversee.

7 Q. Okay. When you say you reviewed e-mails, what, who
8 were they to and who were they from and how did you
9 find them, a number of questions in that area. When
10 you say you reviewed e-mails, did you go to your own
11 server or how did you check them, look for them?

12 A. Through my internal e-mail box.

13 Q. All right. And what search terms did you use?

14 A. I searched call, I searched Mike Brown.

15 Q. Okay. Any other terms?

16 A. Not that I recall, no.

17 Q. So the word call?

18 A. Yes.

19 MR. WILLIAMSON: Nicole, are you hearing
20 better?

21 MS. BROWN: Yes, I am. Thank you.

22 MR. WILLIAMSON: Okay. I'll have Dave move
23 the thing again then. That's a joke.

24 Q. (By Mr. Williamson, continuing) And so call and Mike
25 Brown were the two search terms you used?

1 A. Yes.

2 Q. And as a result of that search, how many e-mails did
3 you find?

4 A. I don't know the exact number.

5 Q. Was it more than five?

6 A. Yes.

7 Q. More than ten?

8 A. Yes.

9 Q. And those are, did those all relate to the pre-recorded
10 calls that he made?

11 MR. SODERLAND: Object. Assumes facts not in
12 evidence.

13 MR. WILLIAMSON: What facts?

14 MR. SODERLAND: Object to the form of the
15 question. Go ahead.

16 Q. (By Mr. Williamson, continuing) What did the call, what
17 did the e-mails you find relate to? Let's do them one
18 at a time if we have to.

19 A. What did they relate to? They related to communication
20 between Mike and myself. I did not find anything
21 related to Call-Em-All or calls.

22 Q. Okay. Did you search the e-mails of any other Domino
23 employees?

24 A. No.

25 Q. And you understand you're here pursuant to a notice

1 that says you're to testify about all communications by
2 Domino's with Four Our Families regarding marketing in
3 2008 and 2009. Do you understand that?

4 A. Yes.

5 Q. Okay. So tell me all of the communications other than
6 your own e-mails that you looked at to prepare for and
7 answer questions today.

8 A. I only had access to the communications that I provided
9 to Mike Brown.

10 Q. So you did not look for any other e-mails from anybody
11 else?

12 A. I don't have access.

13 Q. That's not my question. Did you try to locate from
14 Domino's Corporate then, go to somebody higher up
15 saying I'm supposed to testify here about all
16 communications besides my own? I need to know whether
17 there's any others. Did you do any effort to find
18 anything other than your own? I'm sorry if that sounds
19 critical. I don't mean to be. Did you locate, look
20 for anything else other than what was on your own
21 computer?

22 A. No.

23 Q. Okay. Were you told to look for things other than what
24 was on your own computer?

25 A. No.

1 Q. All right. Any other policies of Domino's anywhere
2 else that relate to marketing?

3 A. Not that I'm aware of.

4 Q. And did you look at the policies regarding marketing
5 that were in place in 2008 and 2009?

6 MR. SODERLAND: Do you understand the
7 question?

8 A. Can you rephrase that or repeat it please?

9 Q. (By Mr. Williamson, continuing) Well the question I
10 wanted to ask you about was all policies regarding
11 marketing in the role of Domino's etcetera regarding
12 marketing in 2008 and 2009 with respect to Four Our
13 Families, and I want to talk to you about those
14 policies that were in effect in those two years. So my
15 first question is did you look at the policies or
16 guidelines that were in effect in 2008 and 2009?

17 A. It's not a document that we reference on a daily basis.

18 Q. Right, but my question is did you look at them before
19 coming to this deposition today?

20 A. No.

21 Q. So you don't know about what those policies were other
22 than referring me to the guidelines?

23 A. I'm aware of some of them. I can't recite them for
24 you, but.

25 Q. Okay. Do you know whether the policies that were in

1 effect in 2008 and 2009 are the same as they are now
2 with respect to marketing?

3 A. I don't.

4 Q. What are the policies or guidelines that you do recall?

5 A. There are guidelines around logo usage in terms of
6 maintaining our brand image. In terms of where they
7 spend their money and such is very flexible in terms of
8 they're, as independent business owners, able to make
9 those decisions on their own.

10 Q. So there's no policy in effect, there's no guideline
11 that says thou shalt not this or that? Apparently
12 you're saying the guideline is do what you want. Am I
13 overstating that or is that what you're saying it is?

14 A. I would say it's not a policy per se, but it's more of
15 a guideline.

16 Q. And the guideline is you can market any way you want as
17 long as you at least use the logo correctly?

18 A. Yes.

19 Q. Anything else that you recall?

20 A. No.

21 Q. Is there anything in the policies about sending faxes,
22 live marketing, pre-recorded calling, any of that sort
23 of marketing? By live marketing, I meant live
24 telemarketing. Any guidelines about live
25 telemarketing, for example?

1 A. No, not that I recall.

2 Q. Okay. What about anything else other than what's in
3 the manager's reference guide, are you aware of any
4 other policies or guidelines that bear on marketing?

5 A. No, I'm not.

6 Q. Did you look anywhere besides in the manager's
7 reference guide?

8 A. No, I did not.

9 Q. Were you instructed by anyone about where to look for
10 policies regarding marketing with respect to Domino's
11 and Four Our Families, Inc.?

12 A. No.

13 Q. Did you make any searches on any computers other than
14 your own for anything relating to marketing to see if
15 you could find policies?

16 A. No.

17 Q. And is your knowledge of the use of pre-recorded
18 calling by Four Our Families, Inc. using Call-Em-All
19 based upon secondhand information you've been told
20 about the litigation, you knew nothing about it
21 otherwise?

22 A. No, I did not.

23 Q. You knew about Call-Em-All because of the franchise
24 you'd worked for before had used them, is that correct?

25 A. That is correct.

1 MR. WILLIAMSON: Okay. That's all the
2 questions I have.

3 MR. SODERLAND: Nicole, do you have any
4 questions?

5 MS. BROWN: Yeah, just a couple.

6 EXAMINATION BY MS. BROWN:

7 Q. Natalie, my name is Nicole Brown and I represent Four
8 Our Families Inc franchisee Mike Brown. I just have a
9 couple questions regarding your position as a field
10 marketing leader. Um, just to get a better
11 understanding of your position, if Domino's decides
12 something with marketing, are you the person that
13 communicates that to franchisees?

14 A. Yes, I would be the liaison between the, for that
15 communication.

16 Q. Okay. And since taking that position in August, 2008,
17 has Domino's had a position on pre-recorded calls?

18 A. Say the question again please.

19 Q. Since taking the position in August, 2008, has Domino's
20 Pizza nationally taken a position on pre-recorded
21 calls?

22 A. Yes, the position was not advised for franchisees to
23 perform that.

24 Q. And when were you informed of that?

25 A. I don't recall the exact date.

1 Q. And was that communicated by a document, a
2 conversation?

3 A. It was via conference call.

4 Q. And do you remember who that conference call was with?

5 A. It was with our field marketing team.

6 Q. Okay. And when you worked for the Littman organization
7 franchisee and you did the calls, did you ever
8 communicate with Domino's about those calls?

9 A. No, I did not.

10 Q. And at that time did Domino's prohibit those types of
11 calls?

12 A. Say the question again please.

13 Q. I'm sorry?

14 A. Say the question again please.

15 Q. At that time when your organization that you were
16 involved with was making the calls, did Domino's
17 prohibit those type of calls?

18 A. They were never notified of those calls.

19 Q. Okay.

20 A. It was the decision of the franchisee.

21 Q. And do you know if Domino's has ever promoted those
22 type of calls?

23 A. Not to my knowledge.

24 Q. Okay. And as far as Mike Brown, did he ever
25 communicate with you regarding the pre-recorded calls?

1 A. No, he did not.

2 MS. BROWN: That's all my questions. Thank
3 you.

4 MR. SODERLAND: I have none. Any follow-up?

5 MR. WILLIAMSON: Yes.

6 RE-EXAMINATION BY MR. WILLIAMSON:

7 Q. You said there was a decision by Domino's to advise
8 franchisees not to make robocalls, is that correct?

9 A. It was a point of view.

10 Q. Is point of view a term of art in Domino's, it means
11 something different than decision?

12 A. It was advised that that was not a tactic for
13 franchisees to use.

14 Q. All right. And when was that advice given and what
15 documents reflect it?

16 A. I don't recall the exact date that that conference call
17 was held.

18 Q. All right. Let's start -- when -- okay you don't know
19 when the conference call was.

20 A. No, sir.

21 Q. Was it in August of 2008 right after you started?

22 A. No.

23 Q. Was it in 2009?

24 A. I don't know.

25 Q. And you made no effort -- again, I'm making a record

1 here for the court, not you.

2 A. Sure.

3 Q. You made no effort to determine when that call was made
4 and who was on it and so forth, is that right?

5 A. I don't have a record of who was on that call.

6 Q. Do you remember anybody that was on that call?

7 A. Would have been members of our field marketing team.

8 Q. And what is the field marketing team? What does that
9 mean? Is that national?

10 A. It's a national team. There's a number of people in
11 the field with positions like myself that oversee parts
12 of the United States.

13 Q. So each, not region, but what have you, has a person
14 like you and there's several like that around the
15 country?

16 A. Yes.

17 Q. Where there are persons who have your title?

18 A. Yes.

19 Q. So all of you as a group are the field marketing team
20 then or are there others on it besides people that have
21 your role?

22 A. There are four directors that are above us.

23 Q. All right. Do you have an immediate director within
24 that four?

25 A. Yes, I do.

1 Q. Different question. Since the conference call,
2 whenever it was, have you ever communicated to any
3 franchisee this advice?

4 A. No, I've not had any conversations with them.

5 Q. To this day, do you know if your franchisees know
6 whether, by yours, I mean the 54 in your region,
7 whether it's okay or not to use pre-recorded calls?

8 A. Say the question again, please.

9 Q. To this day, do you know whether any of your
10 franchisees have ever been aware of the advice about
11 pre-recorded calls that was given in this conference
12 call?

13 A. I believe they were made aware of system-wide
14 communication from Domino's.

15 Q. Okay. And did you look at that document?

16 A. Not prior to coming here.

17 Q. All right. And what, what would be the form, I'm
18 sorry, did you see this system-wide communication,
19 system-wide communication?

20 A. Yes, yes.

21 Q. Okay. So you're not only aware of it, you saw it?

22 A. Yes.

23 Q. You said I'm aware of it as if you hadn't seen it.

24 A. Yes.

25 Q. All right. And is there -- was it an -- is there some

1 kind of mechanism that Domino's uses to make
2 system-wide communications to its franchisees?

3 A. It's an e-mail.

4 Q. All right.

5 A. E-mail form of communication.

6 Q. And so how -- was this e-mail sent out after the
7 conference call?

8 A. I don't recall the timeline in which it was sent out.

9 Q. You think it was sent out before the conference call?

10 A. No.

11 Q. All right. So it was after, right, the e-mail was sent
12 after the conference call?

13 A. Yes.

14 Q. All right, but whether it was a week or a year, you
15 don't recall?

16 A. That is correct.

17 Q. Did you look at it before coming here today?

18 A. No.

19 Q. This e-mail, and what did it say?

20 A. I didn't review that communication.

21 Q. Do you have any memory of what it said?

22 A. No.

23 Q. Okay. Other than that one communication by e-mail to
24 franchisees after the conference call, are you aware of
25 any other communications by Domino's to franchisees

1 about using pre-recorded phone calls as a form of
2 marketing?

3 A. No, I'm not aware of anything.

4 Q. Okay.

5 MR. WILLIAMSON: Okay. I have no other
6 redirect or whatever it is I was doing.

7 MR. SODERLAND: I do have a couple of
8 questions.

9 EXAMINATION BY MR. SODERLAND:

10 Q. Natalie, this e-mail that you're talking about
11 regarding the use of recorded calls, is that a FastFax
12 communication?

13 A. Yes, FastFax.

14 Q. So you used the term e-mail, but it's in fact what we
15 referred to in this case as a FastFax?

16 A. Yes.

17 Q. Generally what is a FastFax?

18 A. FastFax would contain necessary information to update
19 franchisees on different parts of the company in terms
20 of upcoming events and promotions, etcetera.

21 Q. Okay.

22 MR. SODERLAND: That's all the questions I
23 have.

24 RE-EXAMINATION BY MR. WILLIAMSON:

25 Q. Did you conduct a search of every FastFax from 2008 to

1 present to see if it had anything about pre-recorded
2 calls in it?

3 A. I did not.

4 Q. Were you told to?

5 A. No.

6 Q. Were you told not to?

7 A. No.

8 Q. And it's called a FastFax, but the form of it in fact
9 is by e-mail?

10 A. That's correct.

11 Q. Is it like an attachment to an e-mail?

12 A. No.

13 Q. It's the body of e-mail itself?

14 A. That's correct.

15 Q. All right. Do you know when a FastFax is sent out,
16 whether the sender is a particular person or is it
17 always just Domino's? And my next question is who sent
18 the FastFax?

19 A. I don't know who's in charge of sending the FastFax.

20 MR. WILLIAMSON: Okay. That's all I have.

21 MR. SODERLAND: Nicole, do you have anything?

22 MS. BROWN: No, I do not.

23 MR. SODERLAND: We'll reserve signature.

24 (The deposition was concluded at 10:00 a.m.)

25