

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

David M. Soderland  
Brant A. Godwin  
Dunlap & Soderland, PS  
901 Fifth Avenue, #3003  
Seattle, WA 98164  
206-682-0902  
[dsoderland@dunlapsoderland.com](mailto:dsoderland@dunlapsoderland.com)  
[bgodwin@dunlapsoderland.com](mailto:bgodwin@dunlapsoderland.com)

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

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

CIVIL ACTION NO. C11-902-RBL  
DECLARATION OF BRANT GODWIN  
RE: DOMINO'S REPLY TO SUMMARY  
JUDGMENT

**HEARING DATE: March 30, 2012**

I, Brant Godwin, am an attorney with Dunlap & Soderland, P.S., counsel for Defendants Domino's Pizza, Inc. and Domino's Pizza, LLC in the above captioned matter. I am over 18 years of age and otherwise qualified to make the following declarations based on personal firsthand knowledge.

B. GODWIN DECLARATION RE: REPLY TO SJ - 1

LAW OFFICES  
**DUNLAP & SODERLAND. P.S.**  
901 FIFTH AVENUE, SUITE 3003  
SEATTLE, WA 98164  
(206) 682-0902 (206) 682-1551

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1. Attached, as Exhibit 1 is a true and correct copy of portions of the Wayne Pederson Deposition transcript.
2. Attached, as Exhibit 2 is a trued and correct copy of portions of the Brad Hermann Deposition transcript.

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

Dated: March 30, 2012.

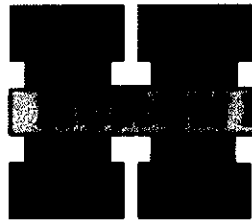
  
\_\_\_\_\_  
Brant A. Godwin

# Exhibit 1

# Anderson v. Domino's Pizza, Inc.

Deponent: Wayne Peterson

Taken: 2/10/2012



**and Video Conferencing Center**

Established in 1972

*Your Certified Shorthand Reporters Since 1972*

623 West Huron Street

Ann Arbor, Michigan 48103

Phone: (734) 761-5328 Fax: (734) 761-7054

mail@huron4deps.com www.huron4deps.com

**Conference Rooms & On-Site parking available at no additional cost.**

1           **customized?**

2    A.     They wanted a specialized, the last thing they asked  
3           for was a specialized inventory application that  
4           handled soft beverages differently than the rest of the  
5           system.

6    Q.     **All right. They ever ask for anything that related to  
7           telephone calls, telephone numbers and their retrieval  
8           of their storage, their use, anything like that?**

9    A.     The only thing that RPM's requested that I'm aware of  
10           related to that is with their call works system, they  
11           asked for a feature to be added to Pulse to notify the  
12           call works box when an order was being dispatched.

13   Q.     **What's call works?**

14   A.     It's a phone system that, it's a phone system that they  
15           use inside of their stores.

16   Q.     **What does it do? What's it for?**

17   A.     It's the phone systems that anyone would have in their  
18           business.

19   Q.     **Okay. And --**

20   A.     It just happens to be a particular manufacturer of a  
21           particular phone system.

22   Q.     **Okay. Have you ever communicated with RPM or any other  
23           franchisee about using Pulse to obtain telephone  
24           numbers so that they could use them for marketing  
25           purposes?**

1 A. No.

2 Q. Of any kind of marketing, live, telemarketing, what  
3 have you?

4 A. No.

5 Q. Do you know whether anybody in the information services  
6 office besides you in the department has ever had such  
7 communications?

8 A. Unless the franchisee has requested how do I run a  
9 particular report by calling our help desk, we would  
10 not be providing that type of direction.

11 Q. Okay. So your interaction with franchisees is  
12 virtually all responding to questions and concerns they  
13 have?

14 A. Yes.

15 Q. As opposed to initiating anything?

16 A. Correct.

17 Q. Okay.

18 MR. WILLIAMSON: That's all the questions I  
19 have.

20 MR. SODERLAND: Nicole or.

21 MR. FRALEY: Nicole is -- she stepped out of  
22 the room for a second.

23 MR. SODERLAND: Then Nelson, it's to you. Any  
24 questions?

25 MR. FRALEY: I do.

# Exhibit 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CAROLYN ANDERSON, )

)  
Plaintiff, )

08:42

) CIVIL ACTION NO.

VERSUS ) 2:11-cv-00902 RBL

)  
DOMINO'S PIZZA, INC. )

DOMINO'S PIZZA, LLC, )

FOUR OUR FAMILIES, INC. )

and CALL-EM-ALL, LLC, )

)  
Defendants. )

08:42

-----  
ORAL DEPOSITION

OF

BRAD HERRMANN  
-----

08:42

December 2, 2011

**ANSWERS AND DEPOSITION of BRAD HERRMANN, a witness**

**produced on behalf of the Plaintiff, taken in the above**

08:42

**styled and numbered cause at 9:05 a.m. on the 2nd day of**

**December, 2011, before Kelly Cobb, a Certified Shorthand**

**Reporter in and for the State of Texas, taken in the**

**Executive Conference Center of the Hyatt Regency DFW, 2334**

**N. International Parkway, DFW Airport, in the City of**

08:42

**Irving, County of Dallas, State of Texas.**



10:06 1 PULSE. And PULSE is all cap P-U-L-S-E. Do you recognize that  
2 document?

3 A Yes.

4 Q And what was or is PULSE?

10:06 5 A PULSE is one of the systems that franchisees -- I  
6 think there is multiples, but one of the systems that  
7 franchisees use to run their business.

8 Q And is PULSE something that exists on the  
9 Domino's' corporate website?

10:06 10 MR. SHAFFER: If you know.

11 A I don't know. What I know about PULSE is that for  
12 a franchisee that's where like their orders are processed  
13 and I know that's where the phone numbers they're always  
14 trying to pull are located. I don't know how it is all  
15 set up on the back end.

10:07 16 Q (By Mr. Williamson) This document begins with Tim  
17 sent this. Do you know who Tim is?

18 A I'm quite confident Tim is a franchisee.

19 Q All right. But is this a Call-Em-All document  
10:07 20 or --

21 A It is. So, yes, it is a Call-Em-All document  
22 where we cut and pasted instructions that a franchisee  
23 sent us and put into this so we could help our franchisees  
24 get to their data.

10:07 25 Q All right. And to your knowledge, when

10:07 1 franchisees uploaded phone numbers, was it numbers they  
2 had obtained by using PULSE?

3 MR. SHAFFER: Objection.

4 A Yeah, I don't know how they got the phone numbers  
10:08 5 at the end of the day.

6 Q (By Mr. Williamson) All right.

7 A Because even within PULSE I don't believe that all  
8 franchisees use PULSE so, yeah, I don't know.

9 Q Have you ever yourself looked at the Domino's  
10:08 10 PULSE main screen?

11 A No.

12 Q Okay. And then if we could go to the -- two more  
13 pages, 12369 through 71, it seems to be a repeat of what  
14 we looked at earlier. Is that just a different version of  
10:08 15 the same document?

16 A Yes, I suspect this is from one e-mail and Pat  
17 might have put two attachments on it.

18 Q All right.

19 A And that's both of them.

10:09 20 Q Actually goes through 12373 and those five are all  
21 one document that say 1 of 5, 2 of 5, et cetera. What  
22 about if we could look at 12374? Is that a -- what we  
23 looked at earlier something that got sent out to people if  
24 they were interested?

10:09 25 A Yes. Or, actually, let me correct that. That was

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies as follows:

I am employed at Dunlap & Soderland, PS, attorneys of record for Defendants Domino's Pizza, Inc. and Domino's Pizza, LLC.

On March 30, 2012, I caused a true and correct copy of the foregoing document to be delivered to the following via Legal Messenger and/or U.S. Mail.

**Counsel for Plaintiff:**  
Rob Williamson  
Kim Williams  
Williamson & Williams  
17253 Agate Street N.E.  
Bainbridge Island, WA 98110  
[robin@williamslaw.com](mailto:robin@williamslaw.com)  
[kim@williamslaw.com](mailto:kim@williamslaw.com)

**Counsel for Four Our Families, Inc:**  
Nelson Fraley  
Nicole Brown  
Faubion, Reeder, Fraley & Cook, PS  
5920 – 100<sup>th</sup> Street S.W., #25  
Lakewood, WA 98499  
[nfraley@fjr-law.com](mailto:nfraley@fjr-law.com)  
[nbrown@fjr-law.com](mailto:nbrown@fjr-law.com)

**Counsel for Call-Em-All, LLC:**  
Kelly P. Corr  
Christina Dimock  
Anthony Todaro  
Corr Cronin Michelson Baumgardner & Preece LLP  
1001 Fourth Avenue, #3900  
Seattle, WA 98154  
[kcorr@corrchronin.com](mailto:kcorr@corrchronin.com)  
[cdimock@corrchronin.com](mailto:cdimock@corrchronin.com)  
[atodaro@corrchronin.com](mailto:atodaro@corrchronin.com)

CERTIFICATE OF SERVICE – 1

1 Andrew Lustigman  
2 Scott Shaffer  
3 Olshan Grundman Frome Rosenzweig & Wolosky, LLP  
4 Park Avenue Tower  
5 65 East 55<sup>th</sup> Street  
6 New York, NY 10022  
7 ALustigman@olshanlaw.com  
8 SShaffer@olshanlaw.com

9 I declare under penalty of perjury under the laws of the State of Washington that the  
10 foregoing is true and correct.

11 DATED at Seattle, Washington this 30<sup>th</sup> day of March, 2012.

12   
13 \_\_\_\_\_  
14 Gail M. Garner

15  
16  
17  
18  
19  
20  
21  
22  
23  
24 CERTIFICATE OF SERVICE – 2

25  
26  
**LAW OFFICES**  
**DUNLAP & SODERLAND, P.S.**  
901 FIFTH AVENUE, SUITE 3003  
SEATTLE, WA 98164  
(206) 682-0902 (206) 682-1551