

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**IN RE: CENTURYLINK SALES
PRACTICES AND SECURITIES
LITIGATION**

MDL No. 0:17-md-02795-MJD-KMM

**ORDER REGARDING
DISCOVERY DISPUTE**

This document relates to: All cases

This matter is before the Court on a discovery dispute presented through the parties' letter briefs. (Pls.' Letter (June 29, 2018), ECF No. 184; Def.'s Letter (July 2, 2018), ECF No. 185.) The factual background relevant to this dispute is summarized in the Court's June 7, 2018 Order on the Plaintiffs' motion to compel discovery, and the Court will not repeat it here. (*See* ECF No. 175.) The Plaintiffs seek production of documents from Defendant CenturyLink, Inc. ("CenturyLink"), that are responsive to three separate requests for production: Request Nos. 19, 20, and 54. CenturyLink and the Operating Companies¹ resist providing information responsive to these requests. The Court held a telephonic hearing concerning the discovery dispute and issued oral rulings, which are memorialized in this Order. Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Request No. 19. The Plaintiffs requested: "All Documents regarding any arbitration [CenturyLink or the Operating Companies] initiated against any User or that any User initiated against [them]." CenturyLink and the Operating Companies must provide information regarding instances in which they refused to participate in arbitration with any residential or small business customer regarding sales and billing

¹ The "Operating Companies" include Qwest Corporation, Embarq Florida, Inc., Embarq Missouri, Inc., Carolina Telephone and Telegraph Company LLC, Central Telephone Company, CenturyTel of Idaho, Inc., CenturyTel of Larsen-Readfield, LLC, CenturyTel of Washington, Inc., CenturyTel Broadband Services, LLC, and Qwest Broadband Services, Inc.

disputes. No other information must be provided in response to this document request.

2. Request No. 20. The Plaintiffs requested: “All Documents regarding any legal proceeding [CenturyLink or the Operating Companies] initiated against any User in a court of law.” CenturyLink and the Operating Companies must provide documents regarding instances in which they initiated lawsuits in courts of general jurisdiction (as opposed to small claims courts) against residential and small-business customers regarding sales or billing disputes similar to those raised by Plaintiffs.²

3. Request No. 54. The Plaintiffs requested: “Documents sufficient to show the capitalization of [CenturyLink’s] subsidiaries.” CenturyLink must disclose to the Plaintiffs which entity or entities are responsible for designing and implementing the sales and billing policies, practices, and procedures at issue in this litigation. The Plaintiffs can then seek needed capitalization information or other relevant discovery from such entities through Rule 45, or from CenturyLink directly if a more efficient mechanism can be agreed upon by the parties. CenturyLink shall provide this information by Monday, July 9, 2018.

Date: July 9, 2018

s/ Katherine Menendez
Katherine Menendez
United States Magistrate Judge

² In their letter regarding this discovery dispute, CenturyLink and the Operating Companies represent that no responsive documents exist. (Def.’s Letter at 3–4 & n.1.)