

WRF Litigation Team Secures Major Victory for Verizon Hawaii in Class Action

August 4, 2004

Washington, DC—On Friday, July 30, 2004, the Circuit Court of the Second Circuit of the State of Hawaii (Cardoza, J.) entered summary judgment for Verizon Hawaii, Inc. in a putative class action suit alleging that Verizon Hawaii violated the Hawaii consumer protection laws in marketing its Touch Calling service. The lawsuit sought tens of millions of dollars in retrospective damages and injunctive relief against Verizon Hawaii for allegedly misleading consumers about the need for Touch Calling and the costs of providing Touch Calling. In its ruling on summary judgment, the Circuit Court definitively rejected these arguments, finding that both the filed-rate doctrine and the doctrine of primary jurisdiction barred plaintiffs' claims under the facts of the case. The Court ordered the complaint dismissed with prejudice.

WRF litigation partner Andrew G. McBride briefed and argued the summary judgment motion for Verizon Hawaii Inc. He was assisted by WRF partners M. Evan Corcoran, Helgi C. Walker and associates Joshua S. Turner and Megan L. Brown.

The case is *Balthazar, et al. v. Verizon Hawaii Inc.*, No 03-1-0139 (2d Cir. Haw.).

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