

**FEDERAL COMMUNICATIONS COMMISSION**  
**Enforcement Bureau**  
**Market Disputes Resolution Division**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

September 12, 2018

Paperkidd Productions & Publishing,	)	
Jarrell D. Curne	)	
Complainants,	)	
	)	
v.	)	Proceeding Number 18-140
	)	Bureau ID Number EB-18-MD-003
	)	
Verizon Wireless,	)	
Defendant.	)	

Jarrell D. Curne, Paperkidd Productions  
& Publishing  
14919 Pine View Drive  
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Complainants

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Dear Counsel and Mr. Curne:

In this letter ruling, we address the scope of the record in this case, rule on outstanding discovery requests, and close the record pending issuance of a final order resolving the dispute.

**I. The Record**

On April 30, 2018, Paperkidd Productions & Publishing and Jarrell D. Curne ("Curne") filed a Complaint generally alleging that, with regard to the Communications Act, Verizon Wireless ("Verizon") charged Curne for lines that Curne did not order, and charged Curne for services or equipment not provided.<sup>1</sup> On June 15, 2018, Curne filed an Amended Complaint.<sup>2</sup> The original Complaint contained factual allegations and attachments that were not included in the Amended Complaint. Because Curne is appearing *pro se*, and to ensure a complete record

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<sup>1</sup> Formal Complaint of Paperkidd Productions & Publishing and Jarrell D. Curne, File No. EB-18-MD-003, Proceeding Number 18-140 (filed Apr. 30, 2018).

<sup>2</sup> Amended Formal Complaint of Paperkidd Productions & Publishing and Jarrell D. Curne, File No. EB-18-MD-003, Proceeding Number 18-140 (filed June 15, 2018) ("Amended Complaint").

and full hearing on the issues, we will consider both the original and amended complaints and exhibits.<sup>3</sup> On July 18, 2018, Verizon filed an Answer, and attached relevant invoices and statements relating to the transaction at issue in the Complaint and Amended Complaint.<sup>4</sup> On July 21, 2018, Curne filed a Reply.<sup>5</sup>

## II. Discovery

Curne submitted three sets of discovery requests,<sup>6</sup> and Verizon filed objections.<sup>7</sup> Under the Commission's rules, discovery is discretionary.<sup>8</sup> Specifically, discovery is limited to matters "relevant to the material facts in dispute,"<sup>9</sup> and the party requesting interrogatories must include an "explanation of why the information sought in each interrogatory is ... necessary to the resolution of the dispute."<sup>10</sup>

We deny Curne's initial discovery requests for interrogatories and evidence because they do not contain a sufficient explanation as required by Commission rule 1.729,<sup>11</sup> and do not seek information necessary to the resolution of Mr. Curne's claims under the Communications Act.<sup>12</sup>

<sup>3</sup> See, e.g., *In the Matter of David S. Poole and Michigan Multimedia & Telecommunications, Inc., v. Michiana Metronet, Inc. and Lucas J. Caruso*, Memorandum Opinion and Order, 15 FCC Rcd 9944, 9947, para. 8 (1999) (affording to a *pro se* complainant "considerable flexibility with respect to the procedural rules governing formal complaint proceedings"). In its Answer to the Amended Complaint, Verizon states that it "may refer to the initial Formal Complaint or its attachments solely for the purpose of clarifying allegations or claims made in the Amended Complaint that otherwise may be clear." Answer of Cellco Partnership d/b/a Verizon Wireless, File No. EB-18-MD-003, Proceeding Number 18-140 (filed July 18, 2018) ("Answer"), at n. 1; see also *id.* at nn. 4-7, 10 (referencing the initial Formal Complaint).

<sup>4</sup> See Answer at Exhibits 1-8.

<sup>5</sup> Response for Opposition to Motion to Dismiss, File No. EB-18-MD-003, Proceeding Number 18-140 (filed July 21, 2018) ("Reply").

<sup>6</sup> Amended Formal Complaint of Paperkidd Productions & Publishing and Jarrell D. Curne's First Request for Interrogatories, File No. EB-18-MD-003, Proceeding Number 18-140 (filed June 15, 2018) ("First Request for Interrogatories"); Amended Formal Complaint of Paperkidd Productions & Publishing and Jarrell D. Curne's Motion for Request of Evidence, File No. EB-18-MD-003, Proceeding Number 18-140 (filed June 15, 2018) ("Motion for Request of Evidence"); Paperkidd Productions & Publishing Second Request for Interrogatories of Verizon Wireless, File No. EB-18-MD-003, Proceeding Number 18-140 (filed Aug. 1, 2018) ("Second Request for Interrogatories").

<sup>7</sup> Objections of Cellco Partnership d/b/a Verizon Wireless to Complainants' First Request for Interrogatories, File No. EB-18-MD-003, Proceeding Number 18-140 (filed July 18, 2018) ("Objections to First Request for Interrogatories"); Opposition of Cellco Partnership d/b/a Verizon Wireless to Complainants' Motion for Request of Evidence, File No. EB-18-MD-003, Proceeding Number 18-140 (filed July 18, 2018) ("Opposition to Motion for Request of Evidence"); Objections of Cellco Partnership d/b/a Verizon Wireless to Complainants' Second Request for Interrogatories, File No. EB-18-MD-003, Proceeding Number 18-140 (filed Aug. 8, 2018) ("Objections to Second Request for Interrogatories").

<sup>8</sup> See *Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures to Be Followed when Formal Complaints Are Filed Against Common Carriers*, Report and Order, 12 FCC Rcd 22497, 22550, para. 120 (1997) (*Formal Complaints Order*).

<sup>9</sup> 47 C.F.R. § 1.729(a).

<sup>10</sup> 47 C.F.R. § 1.729(b).

<sup>11</sup> 47 C.F.R. §§ 1.729(b), (h).

<sup>12</sup> Several of the initial requests are not relevant to Communications Act claims. For example, First Request for Interrogatories, Interrogatories 2, 3, and 9 request information relating to whether Verizon store employees called

We likewise deny the Second Request for Interrogatories because it also does not seek information necessary to the resolution of the dispute.<sup>13</sup> Moreover, Verizon objects on the basis that requests relevant to Communications Act claims have been rendered moot because of information provided with the Answer.<sup>14</sup> We agree and deny the requests on this separate basis.<sup>15</sup>

The record in this proceeding is now closed, and no further pleadings or correspondence may be filed unless a party requests leave to file in a written motion demonstrating good cause for supplementing the record.

This letter ruling is issued pursuant to sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, sections 1.3 and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.720-1.736, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311.

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the police (apparently in response to an in-store argument with Mr. Curne). These requests do not appear relevant to any claim under the Communications Act. *See, e.g.*, Motion for Request for Evidence at para. 1 (requesting video footage from a Verizon store to "defend claims against what maybe considered a threat").

<sup>13</sup> The Second Request for Interrogatories are not relevant to determination of any potential Communications Act claims. Rather, based on the "Introduction" to these requests, containing multiple references to "Title VII" and to "Racial Profiling," these requests appear impermissibly aimed to glean information regarding potential non-Communications Act claims. Second Request for Interrogatories at 2-3. For example, Interrogatory number 5 asks whether the Verizon store manager called the police. Second Request for Interrogatories at 8. This request is not relevant to any potential Communications Act claims.

<sup>14</sup> Objections to First Request for Interrogatories at 2.

<sup>15</sup> *See, e.g.*, First Request for Interrogatories, Nos. 3, 5, 6, 7, 8, 10; Second Request for Interrogatories, Nos. 1, 3, 4, 6, 9.