



Councilmember Mike O'Brien

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U.S. District Judge rules in favor of Seattle's yellow pages opt-out law *Law does not violate free speech or the Commerce Clause*

SEATTLE – Yesterday afternoon U.S. District Judge James L. Robart granted Seattle's motion for a summary judgment in the case *Dex Media West, Inc., et al., versus the City of Seattle*, upholding Seattle's first in the nation, city-wide opt out system for unwanted yellow pages.

The judge denied the plaintiff's claims under the First Amendment and Commerce Clause. The ruling upholds Seattle's opt-out ordinances ([123427](#) and [123532](#)) and establishes that allowing residents to opt out of unwanted yellow pages does not violate the free speech of Dex and other publishers. It further states that the benefits of the program claimed by the city outweigh any potential burdens on interstate commerce expressed by the publishers.

"We are ecstatic with the outcome," said Heather Trim, Chair of Zero Waste Seattle. "Our all-volunteer organization, [Zero Waste Seattle](#), advocated and mobilized for the bills City Council passed, but with the lawsuit there was nothing we could do but wait with our fingers crossed. This ruling is a great win for everyone in Seattle and for the environment. This is also a win for our waste reduction advocacy nationally. Seattle is a leader in environmental stewardship and other cities and states look to us for these types of innovative environmental policies."

As of today, over 35,000 homes and businesses have opted out of over 222,500 yellow pages phone books since the program launched on May 5, 2011.

Seattle's ordinances were passed by City Council in October 2010 and January 2011, respectively, and require residents or businesses to register their preferences 30 days in advance of scheduled delivery. Dex began delivering in Seattle in mid-June, but residents can still opt out of future year's deliveries if they choose.

To stop unwanted yellow pages deliveries to your home or business, visit <http://www.seattle.gov/util/Services/Recycling/ReduceReuseExchange/StopPhoneBooks/>.

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