

HON. JEFFREY RAMSDELL
Noted for Consideration: March 17, 2008
Without Oral Argument

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STOKES LAWRENCE, P.S.

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

SANDY JUDD, TARA HERIVEL and
ZURAYA WRIGHT, for themselves, and
on behalf of all similarly situated persons,

Plaintiffs,

v.

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY; GTE
NORTHWEST INC.; CENTURYTEL
TELEPHONE UTILITIES, INC.; NORTH-
WEST TELECOMMUNICATIONS, INC.,
d/b/a PTI COMMUNICATIONS, INC.;
U.S. WEST COMMUNICATIONS, INC.;
T-NETIX, INC.,

Defendants.

NO. 00-2-17565-5 SEA

(JMR)
~~PROPOSED~~ Denying
ORDER GRANTING PLAINTIFFS'
MOTION TO VACATE ORDERS
GRANTING DEFENDANTS'
MOTIONS FOR SUMMARY
JUDGMENT AND TO REINSTATE
REFERRAL TO WUTC

Granting
Motion *(JMR)*

Plaintiffs have moved to vacate the Court's Order granting defendants' motion for summary judgment and to reinstate the primary jurisdiction referral based on the decision issued by the Court of Appeals on December 18, 2006, and the Washington Supreme Court's denial of T-Netix' petition for review. After consideration, it is

ORDERED that ~~plaintiffs' motion is GRANTED~~ *(JMR)*

ORDER VACATING ORDERS FOR SUMMARY JUDGMENT
AND REINSTATING REFERRAL TO WUTC - 1

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ORIGINAL

(gmv)

Plaintiff's motion to vacate this Court's prior orders:

1 The Court's (1) Order Granting T-Netix' Motion for Summary Judgment,
2 filed September 6, 2005, (2) Order Granting AT&T's Motion for Clarification of the
3 September 7, 2005 Order Granting T-Netix's Motion for Summary Judgment, dated
4 September 4 [sic], 2005, and (3) Order Granting T-Netix, Inc's. Motion for Clarification
5 of Order, dated October 17, 2005, are ~~VACATED~~ Denied. (gmv)

6 The primary jurisdiction referral of this matter to the Washington Utilities
7 & Transportation Commission is REINSTATED for determination of the issues
8 originally before it in Docket No. UT-042022: (1) whether AT&T or T-Netix were OSPs
9 and (2) whether they violated the WUTC disclosure regulations. This motion is

10 DATED: March 21st, 2008 (gmv)

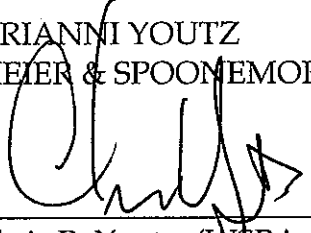
11 granted consistent with the express and unambiguous
12 decision of the Court
13 of Appeals.

(gmv)

Jeffrey Ramsdell
Superior Court Judge

15 Presented by:

16 SIRIANNI YOUTZ
17 MEIER & SPOONEMORE

18 
19 _____
20 Chris R. Youtz (WSBA #7786)
21 Attorneys for Plaintiffs (gmv)

* Plaintiff's assertion that vacation
is warranted because "non-vacation
of those orders will only serve to
create confusion in this complex case
involving numerous judicial and
administrative decision makers" provides
no substantive justification for the
relief requested. Vacation of
prior orders simply based on
the complexity of the case would be
the functional equivalent of erasing
complex appellate court decisions
from the appellate reporters if the
Supreme Court reverses their decision.
The risk of confusion is offset by need
for historical context.

1 **CERTIFICATE OF SERVICE**

2 I certify, under penalty of perjury and in accordance with the laws of the State of
3 Washington, that on March 7, 2008, I served a copy of the foregoing document on all
4 counsel of record as indicated below:

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24 DATED: March 7, 2008, at Seattle, Washington.

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