

[Service date: *December 3, 2008*]

BEFORE THE
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

SANDY JUDD and TARA HERIVEL,

Complainants,

v.

AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC., and T-
NETIX, INC.,

Respondents.

Docket No. UT-042022

**CONSENT MOTION TO EXTEND
TIME TO FILE OPPOSITIONS TO
MOTIONS TO COMPEL AND TO
MOTION FOR PROTECTIVE ORDER**

1. Respondent T-Netix, Inc. (“T-Netix”), by its attorneys and *with the consent of all parties*, hereby moves to extend the time for all parties to file oppositions to the pending motions to compel and motion for protective order to Friday, December 12, 2008.

2. On November 26, 2008, the parties filed the following motions: (1) Complainants’ Motion To Compel Discovery from T-Netix; (2) Respondent AT&T’s Motion To Compel T-Netix To Respond Fully To AT&T’s Second Set of Data Requests; and (3) Motion of T-Netix, Inc. for a Protective Order. The current deadline for filing oppositions to these motions is tomorrow, Thursday, December 4, 2008. The parties have consented to an extension of the deadline for filing each of these oppositions to December 12, 2008.

3. Order No. 10 set the deadline for serving responses to data requests at November 12, 2008 and the deadline for filing motions to compel only one week later on November 19,

1 – CONSENT MOTION TO EXTEND TIME TO FILE OPPOSITIONS TO
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2008. Complainants filed a motion on November 11, 2008, with the consent of all parties, asking that the deadline for filing motions to compel be changed to November 26, 2008 on the basis that Complainants' counsel would be having surgery on Thursday, November 13, 2008 and would need three to four days to recover. Because the deadline for filing motions to compel was only one week after the deadline for serving responses to data requests, the impending surgery would leave only two days to meet and confer with opposing counsel in an effort to reduce or eliminate issues for the motions to compel. By Order No. 11, the Commission extended the deadline to November 26, 2008.

4. Counsel for T-Netix met and conferred telephonically with counsel for Complainants and AT&T on November 24 and 25. Both Complainants and AT&T sought additional, more narrowly-defined information from T-Netix in order to resolve certain discovery disputes. Counsel for T-Netix committed to supplementing certain responses to data requests and discussing other requests for supplementation with its client.

5. Counsel for T-Netix has been unable to reach his client contacts since the meet and confer sessions because of the Thanksgiving holiday and a conference attended by the client contacts during the past three days. As a result, T-Netix is unable to supplement its responses to data requests by tomorrow and, as such, filing oppositions to motions to compel tomorrow would be unproductive and would likely cause supplemental briefing and more delay. Counsel for T-Netix expects to work with client contacts during the course of the next week and serve supplemental responses to data requests either before or simultaneously with its oppositions to motions to compel.

6. Counsel for T-Netix contacted counsel for Complainants and AT&T to seek a one-week extension to file its oppositions and suggested that the same extension ought to apply

for any opposition to T-Netix's Motion for a Protective Order, which deals with some of the same issues as the motions to compel. Counsel for Complainants agreed that filing oppositions under the circumstances would be unproductive and asked that the requested deadline be one additional day because of other obligations during the middle of next week. Counsel for AT&T also consented to the proposed extension.

7. T-Netix seeks an extension to December 12, 2008; that is, only as much time as is necessary to avoid undue prejudice to T-Netix and to avoid additional, unnecessary briefing. This brief extension will not conflict with the Commission's prompt adjudication of this matter, the preparation of any party, or the interests of justice. Nor will an extension affect the remainder of the current procedural schedule.

RESPECTFULLY SUBMITTED this 3rd day of December, 2008.

T-NETIX, INC

By: 

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CERTIFICATE OF SERVICE

I hereby certify that I have this 3rd day of December, 2008, served via e-filing a true and correct copy of the foregoing, with the WUTC Records Center. The original, along with the correct number of copies (4), of the foregoing document will be delivered to the WUTC, via the method(s) noted below, properly addressed as follows:

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I hereby certify that I have this 3rd day of December, 2008, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

On Behalf Of AT&T Communications

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