

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SANDRA JUDD, et al.,

Complainants,

v.

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

Respondents.

DOCKET NO. UT-042022

**DECLARATION OF JONATHAN P. MEIER
IN SUPPORT OF COMPLAINANTS' MOTION FOR CONTINUANCE OF
RESPONSE DEADLINE TO AT&T'S MOTION FOR SUMMARY DETERMINATION**

Jonathan P. Meier declares, under penalty of perjury and in accordance with the laws of the state of Washington, that:

1. I am one of the attorneys representing the complainants Sandra Judd and Tara Herivel in this matter. The facts stated in this declaration are based upon my personal knowledge.

2. I will be out of the country from December 21 through December 30, 2004, and will therefore be unable to work on a response to AT&T's Motion for Summary Determination. When I return, I will need to prepare two reply briefs in the Ninth Circuit Court of Appeals, among my other ongoing litigation duties. This

necessitates a continuance of the January 4, 2005 deadline for filing complainants' response to AT&T's motion.

3. AT&T's motion seeks a final determination of the question of whether AT&T was an operator service provider under certain contracts with the Washington Department of Corrections and various telecommunications subcontractors. To prepare a response to that issue, complainants must obtain certain basic discovery from AT&T, including documents relating to the contracts and the operator services issue, and depositions of certain key personnel knowledgeable about these issues. On December 17 and 20, I spoke with Charles Peters, counsel for AT&T. He agreed to a four-week extension of the response deadline to February 1, 2005, conditioned on agreement to the discovery terms set forth below.

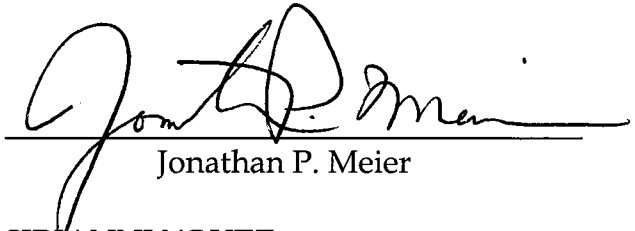
4. We also discussed the need to do discovery during the time period leading up to the response deadline. We agreed to the follow parameters on discovery:

- Within a reasonably prompt time to allow complainants to review documents and prepare a response to the Motion for Summary Determination, and in advance of any depositions, AT&T will produce written discovery to complainants consisting of all documents in its possession relating to the contracts and subcontracts in effect from June 1996 to the present between the parties in this proceeding.
- Within a reasonably prompt time to allow complainants to review documents and prepare a response to the Motion for Summary Determination, and in advance of any depositions, AT&T will produce written discovery to complainants consisting of all documents in its possession sufficient to identify where telecommunications traffic from the correctional facilities at issue in this proceeding connect to AT&T's point of presence.

- AT&T will permit up to three depositions, including a deposition of Frances Gutierrez, a deposition of someone knowledgeable about the contracts and subcontracts at issue in this proceeding, and a deposition of someone knowledgeable about the question of whether AT&T provided operator services under the contracts at issue in this proceeding. Counsel will cooperate on the scheduling of these depositions to allow them to occur sufficiently in advance of the deadline for complainants' response to the Motion for Summary Determination so as to allow for an adequate time to review the depositions and prepare the response.
- Within a reasonably prompt time to allow AT&T to review documents and in advance of any depositions of complainants, complainants will produce to AT&T all written documents in their possession relating to the inmate telephone services provided to complainants under the contracts at issue in this proceeding.
- AT&T may depose Ms. Judd and Ms. Herivel.
- If either AT&T or complainants conclude that they need additional discovery beyond that stated above, they will file a motion and attempt to show good cause for such additional discovery.

5. On December 20, I spoke with Sandy Rasmussen, counsel for T-Netix in this matter. She informed me that T-Netix does not oppose this motion for continuance and would likely be filing a parallel motion for continuance.

Signed this 20th day of December, 2004, at Seattle, Washington.



Jonathan P. Meier

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CERTIFICATE OF SERVICE

I certify, under penalty of perjury and in accordance with the laws of the State of Washington, that on December 20, 2004, I served a copy of the foregoing document on all counsel of record in the manner shown and at the addresses listed below:

| | |
|---|--|
| Charles H.R. Peters | <input type="checkbox"/> By United States Mail |
| SCHIFF HARDIN LLP | <input type="checkbox"/> By Legal Messenger |
| 6600 Sears Tower | <input checked="" type="checkbox"/> By Federal Express |
| Chicago, IL 60606-6473 | <input type="checkbox"/> By Facsimile |
| Attorneys for Respondent AT&T | Fax: (312) 258-5600 |
| | Phone: (312) 258-5500 |
| Letty S.D. Friesen | <input type="checkbox"/> By United States Mail |
| AT&T | <input type="checkbox"/> By Legal Messenger |
| 919 Congress Avenue, Suite 900 | <input checked="" type="checkbox"/> By Federal Express |
| Austin, TX 78701-2444 | <input type="checkbox"/> By Facsimile |
| Attorneys for Respondent AT&T | Fax: (303) 298-6301 |
| | Phone: (303) 298-6475 |
| Laura Kaster | <input type="checkbox"/> By United States Mail |
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| One AT&T Way, Room 3A213 | <input checked="" type="checkbox"/> By Federal Express |
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| Sandy B. Rasmussen | <input type="checkbox"/> By United States Mail |
| Donald H. Mullins | <input checked="" type="checkbox"/> By Legal Messenger |
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| Seattle, WA 98104 | Fax: (206) 621-6566 |
| Attorneys for Respondent T-NETIX, Inc. | Phone: (206) 621-9686 |
| Glenn B. Manishin | <input type="checkbox"/> By United States Mail |
| Stephanie A. Joyce | <input type="checkbox"/> By Legal Messenger |
| KELLEY DRYE & WARREN LLP | <input checked="" type="checkbox"/> By Federal Express |
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DATED: December 20, 2004, at Seattle, Washington.

