

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

COMPLAINANTS' MOTION TO
AMEND SCHEDULING ORDER

1. The Commission recently issued Order 14, which granted, in part, both Complainants' and AT&T's motions to compel discovery from T-Netix. This order, however, did not specify a date by which T-Netix must provide the additional documents and information to the parties. T-Netix has reportedly stated that it will take from four to six weeks to review and produce this information. That means that the documents will not be available until after January 29, 2009, the date by which depositions must be completed under Order 10.

2. As discussed in our motion to compel, the complainants and AT&T have received relatively few documents from T-Netix in response to two sets of data requests. During the exchange of briefs on the motions to compel, T-Netix disclosed for the first time that it had not reviewed e-mails or files in storage for documents responsive to the document requests. Thus, there are likely a substantial number of documents that have yet to be provided by T-Netix.

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3. The documents and information to be produced by T-Netix are needed to adequately prepare for the depositions of both T-Netix and AT&T witnesses. For example, we planned on examining witnesses regarding the actual layouts and operation of T-Netix equipment at the individual prisons. Those documents will also have to be reviewed by our expert. We have yet to receive any documents addressing any specific institution.

4. Presumably, T-Netix will also have emails and memos regarding its arrangements for handling collect calls from inmates. Those documents are important, especially since T-Netix has already asserted that the passage of time has dulled the memories of witnesses who may be deposed.

5. The Complainants request that the Commission: (a) direct T-Netix to produce the information and documents requested by a date certain; and (b) allow the parties to complete depositions within 30 days of receiving a complete response from T-Netix. We further request that the remainder of the schedule be adjusted to account for this delay.

6. Complainants are not happy making this request. T-Netix did not indicate that it was significantly limiting its search for documents when responding to our first and second data requests. For that reason, we believed that T-Netix had made a thorough search for responsive documents, which would have included reviewing emails and files in storage. That turned out not to be the case. However, it is important that we have all of the requested information before incurring the time and expense of depositions, which will probably occur at different locations around the country.

7. We do not know whether T-Netix truly needs four to six weeks to search and produce responsive materials, as it alleges. T-Netix should give its discovery obligations a higher priority than it has to date. We ask that a firm date be set for the materials to be provided, and a sanction be imposed if that deadline is not met.

8. Accordingly, Complainants request that their motion adjusting the current case schedule be granted.

DATED: January 13, 2009.

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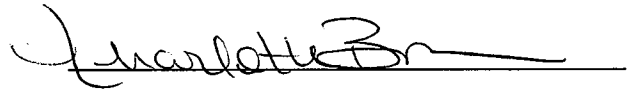
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CERTIFICATE OF SERVICE

I certify, under penalty of perjury and in accordance with the laws of the State of Washington, that on January 13, 2009, I served a copy of the foregoing document on all counsel of record in the manner shown and at the addresses listed below:

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DATED: January 13, 2009, at Seattle, Washington.

A handwritten signature in cursive script, appearing to read "Charlotte Br", is written over a horizontal line.