

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 15, which amended the scheduling order and revised the procedural schedule. Under the Order, T-Netix's responses to AT&T's and Complainants' data requests were due by February 13, 2009. The Order also provided that "[i]f Complainants or AT&T do not receive responses to their data requests from T-Netix by the deadline set forth in this order, either Complainants or AT&T may notify the Commission at that time." *See* Order 15, p. 2, n. 3.

2. T-Netix served supplemental responses to AT&T's and Complainants' Data Requests on February 13, 2009. On the same day, T-Netix sent a DVD containing electronic documents, which was received by Counsel for Complainants late in the afternoon on February 17, 2009. Counsel for T-Netix has indicated that it is continuing to review emails for relevance and privilege and expects to send another DVD by FedEx overnight on Thursday, February 20, 2009.

3. Mr. Youtz, lead counsel for the Complainants, was set to review the documents that were due on February 13 on February 14, 15 and 16 in order to determine what depositions were necessary and discuss the discovery with

Complainants' expert. This is because Mr. Youtz was leaving for a long-standing trip out of the country between February 19 and March 3 and needed to review the discovery prior to his departure. As recognized in Order 15, data requests should be fully responded to prior to noting and taking depositions. See Order 15, ¶¶7-10. Under the existing schedule, all depositions must be completed by March 13.

4. The delay in the production of documents by T-Netix justifies a modest extension to the schedule. The Complainants request that the current deadlines for depositions and responsive briefing set forth in Appendix A to Order 15 be extended by two weeks. Under this proposal, depositions must be completed by March 27, and responsive briefing would be due on April 10. Complainants' counsel has discussed this request with counsel for AT&T and T-Netix and they are in agreement with this extension request.

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

DATED: February 18, 2009.

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CERTIFICATE OF SERVICE

Pursuant to WAC 480-07-150, I certify that on February 18, 2009, I served a copy of the foregoing document on all counsel of record by e-mail and U.S. Mail at the addresses listed below:

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Pursuant to WAC 480-07-145, I further certify that on February 18, 2009, I filed MS Word and PDF versions of this document by e-mail, and the original and four copies of this document by Federal Express, with the WUTC at the address listed below:

David Danner
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Pursuant to the Prehearing Conference Order 08, I further certify that on February 18, 2009, I provided a courtesy copy of this document, in MS Word, to Administrative Law Judge Marguerite E. Friedlander by e-mail to mrussell@utc.wa.gov.

DATED: February 18, 2009, at Seattle, Washington.

/s/ Theresa A. Redfern

Theresa A. Redfern