



6600 SEARS TOWER
CHICAGO, ILLINOIS 60606
t 312.258.5500
f 312.258.5600
www.schiffhardin.com

Tiffany R. Redding
312-258-5529
tredding@schiffhardin.com

March 26, 2009

VIA U.S. MAIL AND E-MAIL

Mr. David W. Danner
Secretary and Executive Director
Washington Utilities and Exchange Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

Re: **UT-042022 - Judd, et al. v. AT&T and T-Netix**
AT&T'S RESPONSE TO COMPLAINANTS' MOTION RE SCHEDULE
AND DEPOSITIONS

Dear Mr. Danner:

Please find enclosed and accept for filing in the above-referenced docket the original and four copies of AT&T'S RESPONSE TO COMPLAINANTS' MOTION RE SCHEDULE AND DEPOSITIONS. All Parties of Record were served as outlined in the Certificate of Service included with the document.

Sincerely,

SCHIFF HARDIN LLP

/s/ Tiffany Redding

Tiffany R. Redding

Enclosures

cc: Glenn B. Manishin
Joseph Ferretti
Chris R. Youtz
Arthur A. Butler
Richard E. Spoonemore
Charles H.R. Peters
Letty S.D. Friesen
David C. Scott

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

**AT&T'S RESPONSE TO
COMPLAINANTS' MOTION RE
SCHEDULE AND DEPOSITIONS**

**AT&T'S RESPONSE TO COMPLAINANTS'
MOTION RE SCHEDULE AND DEPOSITIONS**

AT&T joins in Complainants' request for the relief sought in paragraph 15 of Complainants' Motion Re Schedule And Depositions. In addition, AT&T reiterates the following points, which it made during the conference call with ALJ Friedlander on Friday, March 20, 2009:

Like Complainants, AT&T understood that the parties would present current employees and the named Complainants for depositions, and would make their best efforts to present former employees and witnesses connected with the named Complainants for depositions. AT&T interpreted T-Netix's request for the availability of former AT&T employees, and its participation in conversations about contacting former employees, to mean that T-Netix shared this understanding.

Setting aside jurisdictional and procedural rules (which Complainants address in their Motion), AT&T viewed this understanding, as much as anything, to be a reflection of everyone's interest in completing discovery with the fewest impediments possible. The practical result of the breakdown of this understanding is simply that discovery will be more cumbersome and the

current schedule will not permit the parties to complete the depositions that they intended to take in this proceeding. In order to complete these depositions, obtaining subpoenas and taking other steps as necessary, AT&T agrees with Complainants that the schedule needs to be suspended and the March 27, 2009 deadline to complete depositions stricken.

AT&T feels strongly that expert discovery needs to be structured. AT&T respectfully proposes the following schedule:

- Within 14 days of the parties' receipt of the transcript of the last fact witness's deposition, the parties must disclose all of their respective experts' opinions and all bases for those opinions. No additional opinions or bases may be offered after these disclosures.
- Within 28 days of the parties' disclosure of all their respective experts' opinions and all bases for those opinions, depositions of the parties' experts must be conducted, with Complainants' expert to be deposed first.
- Within 21 days of the parties' receipt of the transcript of the last expert's deposition, the parties must file any responses to the pending motions for summary determination.
- Within 14 days of the filing of responses, any replies must be filed.

Dated: March 26, 2009

Respectfully submitted,

**AT&T COMMUNICATIONS OF
THE PACIFIC NORTHWEST, INC.**

By: /s/ Charles H.R. Peters
Letty S.D. Friesen, 21848
General Attorney
AT&T Services, Inc.
2535 E. 40th Ave. Suite B1201

Denver, CO 80205
(303) 299-5708
(281) 664-9858 (fax)
lsfriesen@att.com

Of Counsel:
Charles H.R. Peters
David C. Scott
SCHIFF HARDIN, LLP
6600 Sears Tower
Chicago, IL 60606
(312) 258-5500
(312) 258-5600 (fax)
cpeters@schiffhardin.com
dscott@schiffhardin.com

CERTIFICATE OF SERVICE

Pursuant to WAC 480-07-150, I hereby certify that I have this day, March 26, 2009, served this document upon all parties of record by e-mail and Federal Express overnight delivery at the e-mail addresses and mailing addresses listed below:

Glenn B. Manishin
Joseph S. Ferretti
Duane Morris LLP
505 9th Street NW, Suite 1000
Washington, DC 20004-2166
gbmanishin@duanemorris.com
jsferretti@duanemorris.com

Arthur A. Butler
Ater Wynne LLP
601 Union Street, Suite 1501
Seattle, WA 98101-2341
aab@aterwynne.com

Chris R. Youtz
Richard E. Spoonemore
Sirianni Youtz Meier & Spoonemore
719 Second Avenue, Suite 1100
Seattle, WA 98104
cyoutz@sylaw.com
rspoonemore@sylaw.com

Pursuant to WAC 480-07-145, I further certify that I have this day, March 26, 2009, 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 e-mail address and mailing address listed below:

Mr. David W. Danner
Secretary and Executive Director
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250
records@utc.wa.gov

Pursuant to the Prehearing Conference Order 08, I further certify that I have this day, March 26, 2009, provided a courtesy copy of this document, in MS Word, to ALJ Friedlander by e-mail at the following e-mail address: mfriedla@utc.wa.gov.

Dated: March 26, 2009

/s/ Tiffany R. Redding
Tiffany R. Redding