

[Service Date March 31, 2009]

March 31, 2009

NOTICE SUSPENDING PROCEDURAL SCHEDULE

RE: *Sandy Judd and Tara Herivel, v. AT&T Communications of the Pacific Northwest, Inc., and T-Netix, Inc.*, Docket UT-042022

TO ALL PARTIES:

This matter has an extensive history, dating back to when the complaint was originally filed in 2000 in King County Superior Court. Following several challenges made against the complaint in both the Court of Appeals of Washington, Division I, and the Supreme Court of Washington, the matter was returned here on March 21, 2008. On that date, the King County Superior Court issued an Order reinstating its original referral to the Commission nearly a decade ago for the determination of two issues: 1) whether AT&T and T-Netix are operator service providers, and 2) if so, whether AT&T and T-Netix violated the Commission's rate disclosure regulations.¹

On August 21, 2008, the Commission convened a prehearing conference before Administrative Law Judge Marguerite E. Russell. During discussion of the referral issues in the case, it became clear that the parties did not agree on the status of discovery. They continue to have discovery disputes.

On February 20, 2009, the Commission entered Order 16 granting Complainants' request to modify the procedural schedule extending the deadlines for: 1) taking depositions to March 27, 2009, and 2) responses to AT&T's and T-Netix's respective Motions for Summary Determination (Summary Determination Motions) to April 10, 2009.

¹ The procedural history in this matter is described more fully in Order 09 and Order 14 in this docket and is not repeated here.

In a telephonic conference with the parties on March 20, 2009, Complainants raised several discovery issues that they asserted would prevent them from meeting the deadline for taking depositions. Complainants requested that the Commission suspend the procedural schedule because the discovery issues involving the depositions would impede their ability to respond to the two Summary Determination Motions. Judge Friedlander instructed Complainants to file a written discovery motion, upon which the Commission would suspend the schedule. On March 25, 2009, Complainants filed an appropriate motion requesting that the Commission resolve several disputes regarding the depositions of current and former T-Netix employees. AT&T and T-Netix filed responses.

Complainants' current request to suspend the procedural schedule is granted. The Commission will resolve the discovery disputes and set a new procedural schedule by subsequent order.

Sincerely,

MARGUERITE E. FRIEDLANDER
Administrative Law Judge