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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

SANDY JUDD, and ZURAYA WRIGHT,
for themselves, and on behalf of all
similarly situated persons,

Plaintiffs,

v.

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY; GTE
NORTHWEST INC.; CENTURYTEL
TELEPHONE UTILITIES, INC.; NORTH-
WEST TELECOMMUNICATIONS, INC.,
d/b/a PTI COMMUNICATIONS, INC.;
U.S. WEST COMMUNICATIONS, INC.;
T-NETIX, INC.,

Defendants.

NO. 00-2-17565-5 SEA

COMPLAINT - CLASS ACTION

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Sandy Judd is a resident of Snohomish County, Washington. She has received and paid for intrastate long-distance collect calls from Washington State prison inmates.

2. Plaintiff Zuraya Wright is a resident of Lake Worth, Florida. She received and paid for interstate long-distance collect calls from a Washington State prison inmate before rate disclosure was first offered to her in November of 1999.

1 prison inmates after November of 1999, and to whom timely disclosure of rates was
2 offered.

3 7. *Class Representatives.* Named plaintiff Sandy Judd has received
4 and paid for intrastate long-distance collect calls from Washington State prison
5 inmates. Named plaintiff Zuraya Wright received and paid for interstate collect calls
6 from a Washington State prison inmate between June 20, 1996 and November of 1999.

7 8. *Size of Class.* There are approximately 14,000 prison inmates
8 currently incarcerated in the State of Washington. Each inmate is permitted to
9 maintain a calling list of multiple family members and acquaintances. Every person
10 who is or has been on any incarcerated person's calling list since 1996 is a potential
11 class member, including family, friends, attorneys and news organizations. The class
12 is expected to number in the tens or hundreds of thousands and is so large that joinder
13 of all members is impracticable.

14 9. *Common Questions of Law and Fact.* This action requires a
15 determination of whether the defendants assured appropriate rate disclosure to the
16 class member recipients of inmate-initiated intrastate and interstate long-distance
17 collect telephone calls as required by RCW §80.36.520 and RCW §80.36.530.

18 10. *Defendants Have Acted On Grounds Generally Applicable to the*
19 *Class.* The defendants complete inmate-initiated collect telephone calls to call
20 recipients, and have consistently failed to make proper disclosures. The defendants
21 have acted on grounds generally applicable to the class. Certification is therefore
22 proper under CR 23(b)(2).

23 11. *Questions of Law and Fact Common to the Class Predominate*
24 *Over Individual Issues.* The claims of many individual class members are too small to
25 justify filing and prosecuting the claims separately. Thus, any interest that individual
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1 of inmate-initiated interstate calls could not access rates prior to receipt of the call, and
2 also were not provided with any information on how to obtain the applicable rates.

3 **V. CLAIMS FOR RELIEF**

4 **FIRST CLAIM—VIOLATION OF THE WASHINGTON CONSUMER**
5 **PROTECTION ACT, RCW 19.86 et seq.**

6 17. Plaintiffs re-allege paragraphs 1 through 16, above.

7 18. The defendants' repeated violations of RCW §80.36.520 constitute
8 per se violations of the Washington Consumer Protection Act, RCW §19.86 et seq.,
9 pursuant to RCW §80.36.530. The defendants have engaged in, and continue to
10 engage in, unfair or deceptive acts or practices in trade or commerce in violation of the
11 Washington State Consumer Protection Act. Such conduct affects the public interest,
12 and has caused injury to the named plaintiffs and the plaintiffs' class.

13 19. Plaintiffs and the plaintiff class are entitled to damages as defined
14 in RCW §80.36.530, and treble damages under RCW §19.86.090, along with costs of
15 suit and attorney fees.

16 **SECOND CLAIM—INJUNCTIVE RELIEF**

17 20. Plaintiffs re-allege paragraphs 1 through 19, above.

18 21. Plaintiffs and the plaintiff class are entitled to an injunction under
19 RCW §19.86.090, under the common law, and under any other applicable laws, to
20 enjoin further violations of RCW §80.36.520.

21 **VI. DEMAND FOR RELIEF**

22 WHEREFORE, plaintiffs request that this Court:

23 1. Enter judgment in favor of plaintiffs and the plaintiff class for
24 damages in an amount to be proven at trial due to the defendants' failure to assure
25 appropriate disclosure of rates charged under RCW §80.36 et seq. and RCW §19.86 et
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1 seq., including presumed damages under RCW §80.36.530 for each violation, and
2 treble damages up to \$10,000 to each class member for each violation;

3 2. Enter judgment in favor of plaintiffs and the plaintiff class, and
4 against the defendants, enjoining the defendants from further violations of
5 RCW §80.36.520;

6 3. Award plaintiffs and the plaintiff class their attorney fees; and

7 4. Award such other relief as is just and proper.

8 DATED: June 29, 2000.

9 SIRIANNI & YOUTZ

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11 Copy

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