

HON. BETH M. ANDRUS
Hearing Date: April 12, 2013 @ 9:00 a.m.
With Oral Argument

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

SANDY JUDD, TARA HERIVEL, and
COLUMBIA LEGAL SERVICES, for
themselves, and on behalf of all similarly
situated persons,

Plaintiffs,

v.

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY and
T-NETIX, INC.,

Defendants.

NO. 00-2-17565-5 SEA

CLASS ACTION

DECLARATION OF
RICHARD E. SPOONEMORE
RE: MOTION FOR COMPENSATION,
COSTS AND INCENTIVE AWARD
RE: T-NETIX SETTLEMENT

1 Richard E. Spoonemore declares that:

2 1. I am one of the attorneys representing plaintiffs and the Class in this
3 matter. These facts are based on my personal knowledge.

4 2. *Columbia's Contributions to the T-Netix Litigation.* Columbia Legal
5 Services was the only class representative to have received a local collect call from a
6 Former PTI Facility. Without Columbia, there would not have been any case against T-
7 Netix arising out of the local calls. Columbia agreed to serve as the class representative
8 despite the fact that it stood to gain only \$200.90 in statutory damages. In advancing
9 the class's interests, Columbia's employees were deposed twice - full days each - and
10 required to respond to multiple discovery requests. John Midgley, Columbia's former
11 Director, served as Columbia's contact in this litigation. He actively participated in
12 monthly - and at times weekly or daily - conferences with Class Counsel after
13 Columbia became a Class Representative. Mr. Midgley flew to Boston to participate in
14 the mediation which eventually led to the settlement with T-Netix. He received,
15 reviewed and was familiar with all of the substantive pleadings and issues in this case,
16 and asked appropriate questions of Class Counsel. Columbia was, in short, an ideal
17 and model class representative. It was not a passive participant in the litigation - it
18 was actively involved in case, and invested time and resources to ensuring its success.

19 3. *Hours Invested in Litigation.* Over the past twelve-plus years, Sirianni
20 Youtz Spoonemore has invested in excess of 7,000 hours in this litigation. At the firm's
21 normal hourly rates (ranging from \$175/hour to \$495/hour for attorneys, and
22 \$100/hour for paralegals), the time value of these hours exceeds \$3,000,000. (Upon
23 request, the time detail showing these hours is available for the Court's review.) With
24 the exception of the work performed after the settlement with T-Netix was reached, it
25 is impracticable to segregate the work performed against T-Netix from the work
26 performed against AT&T. In general, particularly during the first ten years of this case,

1 the work was directed at both T-Netix and AT&T with no meaningful way to allocate
2 the time spent between the two defendants. If only the time spent during the first ten
3 years was split evenly between T-Netix and AT&T, with no time allocated over the last
4 two years, the time value allocated to T-Netix would still far exceed the fee award
5 sought here.

6 4. **Cost Allocation.** Attached hereto as *Exhibit A* is a true and correct copy
7 of our ledger showing costs paid to date in the litigation against T-Netix and AT&T.
8 There are three charges with do not yet appear in the printout: (1) a charge from
9 Nickerson & Associates (the Class's expert) for \$43,896, messenger charges totaling
10 \$260.50, and FedEx charges totaling \$18.84. These sums, when added to the totals on
11 the ledger, equal \$538,601.03. Many of the costs were incurred in our effort to secure
12 relief against both T-Netix and/or AT&T and, like the time spent, are impracticable to
13 allocate to one defendant or another. Other costs are more closely linked to the efforts
14 against a specific defendant, such as the expert-related charges incurred in preparing
15 the case for trial after the settlement with T-Netix was reached, or notice expenses
16 associated with one specific defendant. In an effort to allocate costs, I reviewed the
17 ledger to determine whether a charge should be allocated to a specific defendant. For
18 example, the class notice charges in the AT&T class far exceeded the charges for
19 providing notice to the much smaller T-Netix class. In those situations where I
20 determined that charge could reasonably be associated with a single defendant, I
21 attributed that charge to that single defendant. The charges allocated to only AT&T are
22 marked with a box in *Exhibit A*, while the charges allocated to only T-Netix are
23 underlined on the exhibit. After allocating these costs, I split the remaining joint costs
24 in half ($\$164,302.58/2$) and added to that figure the costs allocated to T-Netix
25 ($\$23,386.14$) to arrive at the total costs ($\$105,537.43$) associated with the T-Netix side of
26 the case.

1 I declare under penalty of perjury of the laws of the state of Washington that the
2 following is true and correct.

3 DATED this 25th day of March, 2013, at Seattle, Washington.

4 /s/ Richard E. Spoonemore

5 Richard E. Spoonemore (WSBA #21833)
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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 March 25, 2013, I caused a copy of the foregoing document to be served on all counsel of record in the manner shown and at the addresses listed below:

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DATED: March 25, 2013, at Seattle, Washington.

/s/ Richard E. Spoonemore
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