

HON. BETH ANDRUS
Noted for Consideration: April 1, 2013
Without 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

ORDER:

- (1) PRELIMINARILY APPROVING
SETTLEMENT AGREEMENT
WITH AT&T;
- (2) PRELIMINARILY APPROVING PLAN
OF ALLOCATION;
- (3) DIRECTING NOTICE; AND
- (4) SCHEDULING FINAL
APPROVAL HEARING

Upon consideration of the InterLATA and IntraLATA Classes' Revised Motion for Preliminary Approval of Settlement Agreement with AT&T, Preliminary Approval of Plan of Allocation, Directive to Send Notice, and Scheduling of Final Approval Hearing ("Motion for Preliminary Approval"), it is hereby ORDERED as follows:

(1) Based on the record before it, the Court tentatively finds, pursuant to Rule 23(e), that the proposed Settlement Agreement attached as *Appendix 1* to the Motion for Preliminary Approval is fair, reasonable and adequate. There is no evidence at this stage of proceeds of fraud, collusion or overreaching by the parties or that the rights of absent class members were disregarded. There was extensive discovery in this case, and Class Counsel has sufficient experience in similar litigation to propose this settlement. The Court's preliminary

1 approval is subject to change pending the outcome of the final settlement approval hearing
2 (“Settlement Approval hearing”) established herein.

3 (2) The Court tentatively finds that the proposed Plan of Allocation, attached
4 as *Appendix 2* to the Motion for Preliminary Approval, is fair, reasonable and adequate. The
5 Court’s preliminary approval is also subject to change pending the outcome of the Settlement
6 Approval hearing.

7 (3) The Court finds that the proposed Notice of Settlement, attached as
8 *Appendix 3* to the Motion for Preliminary Approval, meets the requirements of Civil Rule 23
9 and the applicable law in that it fairly and adequately describes the terms of the Agreement,
10 gives notice of the time and place of the hearing for final approval of the Agreement, and
11 describes how a class member may comment on, object to, or support the Agreement, or request
12 exclusion from the class. The Court directs Class Counsel to mail the Notice of Settlement,
13 substantially in the form attached as *Appendix 3*, as well as a copy of the Plan of Allocation
14 attached as *Appendix 2*, to the Motion for Preliminary Approval, to AT&T Call Class Members
15 as provided in Section 3 of the proposed Settlement Agreement. In addition, Class Counsel is
16 directed to cause summary notice, substantially in the form attached as *Appendix 4* to the
17 Motion for Preliminary Approval to be published in The Seattle Times; Tacoma News Tribune;
18 Vancouver Columbian; Spokane Spokesman Review; Yakima Herald Republic; The Olympian;
19 Bellingham Herald; Tri-City Herald; Everett Herald; Portland Oregonian; Walla Walla Union
20 Bulletin; Prison Legal News; Prison World; King County Bar Bulletin; Washington State Bar
21 Trial News; Washington State Bar News (“The Northwest Lawyer”); Washington Criminal
22 Defense; and in the national edition of USA Today. The method of publication set forth in
23 Section 3 of the proposed Settlement Agreement is approved. Published notice shall be
24 completed at least 30 days before the Final Approval Hearing. The Court concludes that direct
25 mail notice to AT&T Call Class Members identified by Class Counsel through reverse phone
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1 look-ups and other available information, augmented by published notice, is the best notice
2 practicable under the circumstances.

3 (4) A hearing to consider whether the proposed Settlement Agreement is fair,
4 reasonable and adequate and should be finally approved is scheduled for June 21, 2013 at 10:00
5 a.m. in Courtroom W-719, King County Superior Court, 516 Third Avenue, Seattle,
6 Washington, 98104.

7 (5) Class Counsel shall file its motion for fees and litigation expenses by
8 May 31, 2013, 2013 [at least 16 days before the final Settlement Approval hearing scheduled by
9 this Court].

10 (6) AT&T Call Class Members who wish to comment on or object to the
11 proposed Settlement Agreement (or the amount of attorneys' fees, costs, expenses and/or case
12 contribution award requested) must submit written comments and/or objections to the Court no
13 later than June 11, 2013 [at least 10 days before the final Settlement Approval hearing
14 scheduled by this Court].

15 (7) Claims submitted by mail from AT&T Call Class Members must be
16 postmarked no later than June 7, 2013 [at least 14 days before the final Settlement Approval
17 hearing scheduled by this Court]. Claims submitted online from AT&T Call Class Members
18 must be filed with an email confirmation dated no later than 12:00 midnight PDT on June 7,
19 2013 [at least 14 days before the final Settlement Approval hearing scheduled by this Court].

20 (8) AT&T Call Class Members who wish to appear at the final Settlement
21 Approval hearing may do so if they submit written notice to the Court, with copies to counsel,
22 that they intend to appear in person or through counsel. If an AT&T Call Class Member wishes
23 to appear in person or through counsel at the hearing, he or she must also describe the nature of
24 their comment or objection in their written notice of intent to appear. Written notice of intent to
25

1 appear must be filed with the Court and mailed to counsel by June 11, 2013 [at least 10 days
2 before the final Settlement Approval hearing scheduled by this Court].

3 (9) A Motion for Final Approval of the Settlement Agreement, together with
4 any supporting declarations or other documentation, must be filed by no later than June 14, 2013
5 [at least 5 days before the Settlement Approval hearing]. Class counsel shall also provide the
6 Motion to all AT&T Call Class Members who object or file written notice with the Court that
7 they intend to appear at the final Settlement Approval hearing.

8 It is so ORDERED this 1st day of April, 2013.

9 \s\ (E-FILED)

10
11

Beth M. Andrus
Superior Court Judge

12 Presented by:

13 SIRIANNI YOUTZ SPOONEMORE

14 /s/ Chris R. Youtz

15 Chris R. Youtz (WSBA #7786)

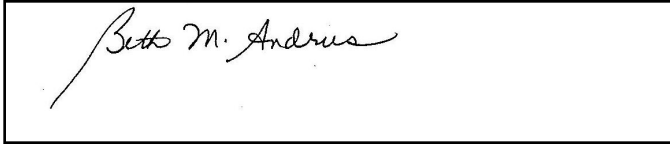
16 Richard E. Spoonemore (WSBA #21833)

Attorneys for Plaintiffs

King County Superior Court
Judicial Electronic Signature Page

Case Number: 00-2-17565-5
Case Title: JUDD ET ANO VS AMERICAN TELEPHONE &
TELEGRAPH CO ET AL DBA
Document Title: ORDER

Signed by Judge: Beth Andrus
Date: 4/1/2013 9:00:00 AM

A rectangular box containing a handwritten signature in cursive that reads "Beth M. Andrus".

Judge Beth Andrus

This document is signed in accordance with the provisions in GR 30.
Certificate Hash: 0820F7E3971DF4A86FBD08B589DF523114D8C0EF
Certificate effective date: 6/18/2012 12:55:35 PM
Certificate expiry date: 7/12/2014 12:55:35 PM
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