

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 SETTING HEARING SCHEDULE
TO CONSIDER REQUESTS FOR CY
PRES AWARDS

Claims against AT&T were resolved through a settlement agreement that was approved by the Court on June 21, 2013. Residual funds, as defined in CR 23(f)(2), will remain after the payment of court-awarded attorney fees, costs, expenses, case contribution awards, costs of administration and payment of AT&T Call Class Member claims from that settlement. The parties requested that the Court set a hearing date to consider how these residual funds should be distributed. That request is granted.

A hearing to consider the distribution of the residual funds will be held on **August 16, 2013 at 1:30 p.m. at Courtroom W-719** at the King County Superior Court, 516 Third Avenue, Seattle, Washington. Entities that meet the criteria of CR 23(f) may submit applications to receive distributions from the residual funds. Applications and supporting materials shall be filed with the Court and served on counsel for the plaintiffs and AT&T by

1 August 5, 2013. Plaintiffs and AT&T shall serve and file their recommendations for *cy pres*
2 distributions by August 12, 2013. Plaintiffs and AT&T shall serve and file their objections or
3 comments to each other's recommendations and to any non-party applications by August 15,
4 2013.

5 Notice regarding this hearing shall be provided to members of the Washington State Bar
6 by email or other means, in a form substantially similar to Exhibit A to this order. The Court
7 asks the Washington State Bar to use its email facilities to provide this notice to its members.

8 DATED: June 26, 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 Richard E. Spoonemore (WSBA #21833)

16 Chris R. Youtz (WSBA #7786)

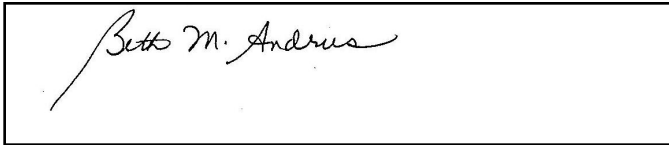
cyoutz@sylaw.com ♦ rspoonemore@sylaw.com

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: 6/26/2013 2:01:20 PM

A rectangular box containing a handwritten signature in cursive script 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
Certificate Issued by: CN=Washington State CA B1, OU=State of Washington
CA, O=State of Washington PKI, C=US

Exhibit A

The King County Superior Court recently approved a settlement in *Judd v. AT&T* (No. 00-2-17565-5 SEA). After payment of claims submitted by class members, attorney's fees, case contribution awards, and expenses, it is anticipated that a residual fund of \$20 million or more will be available for *cy pres* distributions. CR 23(f)(2) requires that at least 25% of that amount be awarded to the Legal Foundation of Washington. The remaining amount may be awarded to the Legal Foundation or other designees who meet the criteria of CR 23(f)(2). The Court set a hearing for August 16, 2013 to consider requests for *cy pres* distributions from this fund. The Court requested that notice of the hearing be given to members of the bar because they may know organizations that would qualify for an award.

CR 23(f)(2) provides: "The court may disburse the balance of any residual funds beyond the minimum percentage to the Legal Foundation of Washington or to *any other entity for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class.*" (emphasis added).

The case alleged that defendants failed to provide proper disclosures for collect telephone calls from Washington prisons. The class comprised recipients of those calls, which included spouses and family members of prisoners. More information regarding the case can be found at www.sylaw.com/ATTsettlement, which includes copies of many of the filings.

Counsel for the class and AT&T agree that appropriate recipients may include entities that provide, directly or indirectly, educational, financial, or other assistance to (i) prisoners or former prisoners in Washington State, (ii) the family members of prisoners or former prisoners in Washington State, or (iii) any legal aid or services organization (or their umbrella organizations, including the Legal Foundation of Washington) operating exclusively or nearly exclusively in Washington State which provides educational, financial, or other services for prisoners or former prisoners in Washington State, or the family members of prisoners or former prisoners. However, any entity meeting the requirements of CR 23(f) should consider applying for an award. The ultimate decision regarding eligibility will be made by the Court.

Applicants for a *cy pres* award should file their requests with supporting materials with the King County Clerk's Office by August 5, 2013. The filings should indicate that the materials will be considered at a hearing on August 16, 2013 at 1:30 PM before the Hon. Beth M. Andrus. Copies of these requests should also be provided to the judge's mailroom for Judge Andrus and to counsel at the following addresses:

Chris R. Youtz
Sirianni Youtz Spoonemore
999 Third Ave., Suite 3650
Seattle, WA 98104
(206) 223-0303
chris@sylaw.com
Counsel for plaintiffs and the class

Bradford J. Axel
Stokes Lawrence, P.S.
1420 Fifth Avenue Suite 3000
Seattle, Washington 98101
(206) 892-2102
bradford.axel@stokeslaw.com
Counsel for defendant AT&T

Questions regarding the case or the *cy pres* hearing may be addressed to either counsel.