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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

NO. 00-2-17565-5 SEA

Plaintiffs,

FIRST AMENDED COMPLAINT
- CLASS ACTION

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.

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 Tara Herivel is a resident of King County, Washington. She has received and continues to receive and pay for intrastate long-distance collect calls from Washington State prison inmates.

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III. CLASS ACTION ALLEGATIONS

7. *Definition of Class.* The class consists of all individuals who have received or will receive one or more long-distance intrastate or interstate collect calls from one or more Washington State prison inmates since June 20, 1996, except for those individuals who have received only interstate collect calls from Washington State prison inmates after November of 1999, and to whom timely disclosure of rates was offered.

8. *Class Representatives.* Named plaintiff Sandy Judd has received and paid for intrastate long-distance collect calls from Washington State prison inmates. Named plaintiff Tara Herivel has received and continues to receive and pay for intrastate long-distance collect calls from Washington State prison inmates. Named plaintiff Zuraya Wright received and paid for interstate collect calls from a Washington State prison inmate between June 20, 1996 and November of 1999.

9. *Size of Class.* There are approximately 14,000 prison inmates currently incarcerated in the State of Washington. Inmate are generally allowed access to prison payphones during daytime hours. Every person who is or has been called by any incarcerated person since July 20, 1996 is a potential class member, including family, friends, attorneys and news organizations. The class is expected to number in the tens or hundreds of thousands and is so large that joinder of all members is impracticable.

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

1 telephone, except as recipients of operator-assisted collect calls. Recipients are billed
2 for these calls by the operator service provider assigned by contract to the prison from
3 which the call originates.

4 16. Rates for intrastate long-distance collect calls are not made
5 available to recipients over the phone prior to the receipt of an inmate-initiated call,
6 nor are recipients given a separate number to call in order to learn the rates charged.

7 17. Rates for at least some interstate calls have been made available
8 over the phone starting sometime in November of 1999. Prior to that time, recipients
9 of inmate-initiated interstate calls could not access rates prior to receipt of the call, and
10 also were not provided with any information on how to obtain the applicable rates.

11 V. CLAIMS FOR RELIEF

12 FIRST CLAIM—VIOLATION OF THE WASHINGTON CONSUMER 13 PROTECTION ACT, RCW 19.86 *et seq.*

14 18. Plaintiffs re-allege paragraphs 1 through 16, above.

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

21 20. Plaintiffs and the plaintiff class are entitled to damages as defined
22 in RCW §80.36.530, and treble damages under RCW §19.86.090, along with costs of
23 suit and attorney fees.

24 SECOND CLAIM—INJUNCTIVE RELIEF

25 21. Plaintiffs re-allege paragraphs 1 through 19, above.

