

# Appendix 1



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FOUNDED 1866

January 22, 2013

**Via Email Only**

Chris R. Youtz  
Sirianni Youtz Spoonemore  
999 Third Avenue, Suite 3650  
Seattle, Washington 98104

Re: *Judd, et al. v. AT&T, et al.*  
King County Superior Court No. 00-2-17565-5 SEA

Dear Chris:

This CR 2A letter confirms the settlement that has been reached between AT&T and the two classes certified by the Court on February 23, 2012, the "InterLATA Call Recipients Class" and the "IntraLATA Call Recipients Class." The terms, which are fully enforceable, are as follows:

1. Payment by AT&T of \$45,000,000, inclusive of fees, costs, cost of administration, costs of notice and incentive payments. This is an "all in" net figure. AT&T will bear no responsibility to the classes or class counsel beyond this figure. The money will be wired to an escrow account established by class counsel by the close of business on Thursday, March 21, 2013. This money will be held pending final approval of the settlement. Any interest generated on this account will belong to the beneficiaries of the settlement.
2. Mutual releases, including a full release of all claims that either class has, had, or may have in the future against AT&T relating to or arising out of the facts alleged in this lawsuit.
3. The procedure for distributing funds to class members shall be determined by class counsel with approval by the Court. Class counsel intends to use a method similar to the method approved by the Court with respect to the T-Netix

settlement. Class counsel will draft and distribute notice to the class, after approval by the Court.

4. Any residual funds, as defined in CR 23(f)(1), shall be distributed as follows:
  1. As provided in CR 23(f)(2), twenty-five percent of the residual funds shall be distributed to the Legal Foundation of Washington.
  2. AT&T shall be permitted to recommend to the Court the designation of up to twenty-five percent of the residual funds, subject to each of the following:
    - a. The recommendation must comply with CR 23(f).
    - b. The funds must be designated to an entity which provides, 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 organizations (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.
    - c. Class counsel shall be permitted to object to AT&T's recommendation for good cause.
    - d. The Court shall retain ultimate authority with respect to the distribution of these residual funds.
  3. Class counsel shall be permitted to recommend the distribution of the remaining residual funds (which shall not be less than fifty percent of the total residual funds) consistent with the requirements of CR 23(f). AT&T shall be permitted to object to class counsel's recommendation for good cause. Any designation shall be subject to approval by the Court, who shall retain ultimate authority with respect to the distribution of these residual funds.

Chris R. Youtz  
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5. The settlement and allocation plan will be subject to approval by the Court after notice is given to the class. Class counsel will file a motion seeking preliminary approval of the settlement.
6. Class counsel will seek an award of attorney fees of up to thirty-five percent of the gross settlement amount under the common fund doctrine. Class counsel will seek reimbursement of its litigation costs actually incurred. Class counsel will seek incentive awards for the class representatives in the sum of \$50,000 each. AT&T will not oppose counsel's request for fees, costs or incentive awards that do not exceed these amounts. Attorney fees, costs and incentive awards must be approved by the Court.
7. Nothing in this agreement shall be construed to prevent AT&T from continuing to prosecute its appeal from the WUTC's Order 25 or its claim for indemnification against T-Netix.
8. The parties will execute a fuller, formal settlement agreement that is not inconsistent with the terms of this agreement. Any dispute over the terms, interpretation and/or performance of this CR 2A letter or the long form agreement is subject to final and binding arbitration before Hon. Edward Infante (Ret.).

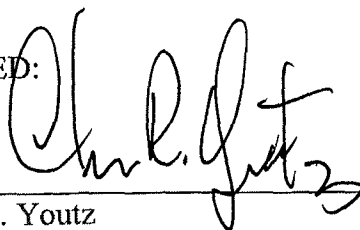
Please sign below indicating your acceptance of these terms and return a copy to me.  
Thank you for your efforts to resolve this matter.

Very truly yours,



Charles W. Douglas

AGREED:



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Chris R. Youtz

cc: Hon. Edward A. Infante (Ret.)

# Appendix 2

## PLAN OF ALLOCATION: AT&T CALL CLASS CLAIMS

*Judd, Herivel and Columbia v. AT&T, T-Netix, Inc, No. 00-2-17565-5 SEA,*  
Superior Court of Washington, for King County

1. *AT&T Call Class Award.* Each AT&T Call Class Member's maximum award shall be equal to (a) the aggregate cost of all intraLATA collect calls from the Former PTI Facilities accepted by the AT&T Call Class Member during the Class Period, plus (b) the aggregate cost of all interLATA collect calls from the AT&T DOC Facilities accepted by the AT&T Call Class Member during the Class Period, plus (c) two hundred dollars. If the claimed maximum awards of all AT&T Call Class Members exceed the Net Settlement Amount, then each AT&T Call Class Member's maximum award shall be reduced *pro rata* with all other AT&T Call Class Members' claims. If the claimed maximum awards of all AT&T Call Class Members are less than the Net Settlement Amount, then any residual funds shall be distributed as set forth in the Settlement Agreement, Section 7.

### 2. *Methods of Proof of Claim*

- a. *Presumptive Awards.* AT&T Call Class members identified or matched, by name and address, through a reverse phone look-up for accepted calls shall be presumed to have a valid claim. A notice shall be sent to each of these members indicating the amount of the presumed award. A claim form, pre-filled out, will also be in the mailing. An AT&T Call Class Member need only verify, sign and return the form to be entitled to an AT&T Call Class Award. Alternatively, the individual may claim his or her AT&T Call Class Award electronically through a web-based claim process.
- b. *Minimal Proof Awards.* AT&T Call Class members not entitled to a presumptive award, but who can provide the claims administrator with a telephone number that received either (a) an intraLATA collect call from a Former PTI Facility during the Class Period and/or (b) an interLATA collect call from a AT&T DOC Facility during the Class Period is entitled to a minimal proof award if that individual does either of the following:
  - i. declares or affirms the telephone number was assigned to them during the Class Period, or
  - ii. declares or affirms they personally accepted the collect calls during the Class Period made to that number.

Upon receipt of the telephone number and declaration or affirmation, the claims administrator shall determine the amount of the claim by reference to the call detail data associated with the identified telephone number(s).

- c. *Proof Awards.* AT&T Call Class Members not entitled to a presumptive award and cannot recall the telephone number which would have

received collect call from the Former PTI Facilities or AT&T DOC Facilities during the Class Period shall be entitled to a AT&T Call Class Award equal to two hundred dollars provided the member (1) declares or affirms that the member accepted a call, or a call was accepted on the members' account during the Class Period, (2) can identify the facility and inmate from whom the call originated and the identified facility is a Former PTI Facility or AT&T DOC Facility, and (3) can identify the address where the call was received and the address indicates that the call would have been intraLATA call from a Former PTI Facility or an interLATA call from an AT&T DOC Facility.

- d. "Catch-all" proof.* The claims administrator may pay claims based on other reasonable evidence or data sufficient to establish, on a more likely than not basis, that the AT&T Call Class Member accepted a collect intraLATA call from a Former PTI Facilities, or an interLATA call from an AT&T DOC Facility, during the Class Period. Upon such a showing, the AT&T Call Class Member is entitled to an AT&T Call Class Award equal to two hundred dollars.
- 3. Duplicate Claims.** If multiple claimants for the same award occurs, any presumptive award shall take precedence. If there is no presumptive award claimant, then the dispute over the proper recipients shall be determined by the arbitrator, as set forth in Section 6, *below*.
- 4. Timing of Claims Submittal.** Individuals will have no less than 21 days from mailing the notice to claim an AT&T Call Class Award.
- 5. Fraud Investigation Authorized.** The claims administrator may investigate any claim where fraud or misrepresentation is suspected. The claims administrator may refuse to pay any claim for any facially valid reason, referring any such claims with an explanation of the issues implicated in the claim to the claims arbitrator for final and binding adjudication.
- 6. Dispute Resolution/Claims Arbitrator.** Hon. George Finkle (ret.) at JDR, LLC, shall be appointed as the claims arbitrator. If he is unwilling or unable to serve, then the Court shall appoint a claims arbitrator. The claims arbitrator shall have the power to decide any and all disputed claims, and resolve any issues arising out of the claims process. The arbitrator shall have as much discretion as permitted by law to adjudicate issues and determine fair and just awards. The claims arbitrator's discretion includes, but is not limited to, issues of procedure such as whether issues will be decided on written submission, telephone hearing, in person hearing, etc. Any decision of the claims arbitrator shall be final and binding.

## 7. *Definitions*

- a. *AT&T Call Class Member* shall mean an individual in one or both of the two classes represented by Named Plaintiffs Sandy Judd, Tara Herivel and Columbia Legal Services certified by the Court in its Order dated February 25, 2012 (including the Class Representatives) but excluding individuals who have opted-out.
- b. *AT&T DOC Facilities* shall refer to Washington State Reformatory (Monroe), Twin Rivers Corrections Center, Indian Ridge Corrections Center (Arlington), Special Offender Center (Monroe), Clallam Bay Corrections Center, Washington Correction Center for Women (Purdy), Olympic Corrections Center, Pine Lodge Pre-Release, Coyote Ridge, Washington Corrections Center (Shelton), McNeil Island Penitentiary, Washington State Penitentiary (Walla Walla), Airway Heights and Tacoma Pre-Release.
- c. *Class Period* is the time period of June 20, 1996 through December 31, 2000.
- d. *Former PTI Facilities* shall refer to Clallam Bay, Washington Correction Center for Women (Purdy), Coyote Ridge Corrections Center, and Pine Lodge Work Pre-Release/Correction Center.
- e. *Net Settlement Amount* is a value equal to \$45,000,000.00 minus court-awarded attorney fees, costs, expenses, case contribution award, costs of administration and any other expenses or deductions approved by the Court.



# Appendix 3

**NOTICE OF SETTLEMENT TO:**  
**RECIPIENTS OF LONG DISTANCE INTRASTATE TELEPHONE CALLS**  
**FROM INMATES AT CERTAIN WASHINGTON STATE PRISONS**  
**BETWEEN JUNE 20, 1996 AND DECEMBER 31, 2000**

**SETTLEMENT OF A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS**

*A court authorized this notice. This is not a solicitation from a lawyer.*

- Recipients of intrastate collect phone calls - calls within Washington - from inmates at certain Washington Department of Corrections Institutions have sued AT&T alleging it violated the Washington State Consumer Protection Act by failing to provide rate information for collect calls originating from inmates between June 20, 1996 and December 31, 2000.
- The court has certified those claims as a class action. You have been identified as a potential class member because records indicate you may have accepted a collect call from an inmate in a Washington State Department of Corrections Facility between June 20, 1996 and December 31, 2000.
- The Class and AT&T have reached a \$45,000,000 settlement, subject to approval by the Court, to resolve all claims against AT&T. This notice summarizes the terms of that agreement, and informs you of your rights.
- The Court has granted preliminary approval of the settlement agreement to notify Class Members of the proposed settlement and scheduling a hearing to determine whether the settlement is fair, adequate and reasonable.

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>YOU MAY COMMENT ON THE PROPOSED SETTLEMENT AGREEMENT</b>	<p><b>You have the right to comment on the proposed Settlement Agreement.</b></p> <p><b>You may object to any aspect of the proposed Settlement Agreement.</b></p> <p><b>You may also support the proposed Settlement Agreement.</b></p> <p>The Court will decide whether to approve or reject the proposed Settlement Agreement at a hearing to be held on _____ at _____ in Courtroom ____, at the King County Superior Court, 516 3<sup>rd</sup> Ave., Seattle, WA 98104.</p> <p>You may submit written objections or comments for the Court to consider by _____. This notice explains how and where you can submit these written objections or comments. Even if you comment or object, you <b><u>MUST</u></b> also make a claim in order to receive your share of the settlement.</p>
<b>YOU MAY MAKE A CLAIM FOR YOUR SHARE OF THE SETTLEMENT, IF APPROVED BY THE COURT</b>	<p><b>If you wish to claim your share of the settlement, then you <u>MUST</u> either (1) review and return the claim form included with this mailing, or (2) go to <a href="http://www.ratedisclosure.com">www.ratedisclosure.com</a> to claim your share.</b></p> <p>If the settlement is approved by the Court, then your share of the settlement will be mailed to you. This process may take several months.</p>
<b>YOU WILL RECEIVE NO PAYMENT IF YOU DO NOTHING</b>	<p><b>If you do nothing, then you will not be entitled to receive any payment. If you wish to receive a payment, you <u>MUST</u> make a claim.</b></p>

## **FREQUENTLY ASKED QUESTIONS**

### **1. Why did I get this notice?**

Records indicate that between June 20, 1996 and December 31, 2000, one or more collect calls carried by AT&T were accepted by a telephone number registered in your name or registered to this address from one or more of the following facilities: Washington State Reformatory (Monroe), Twin Rivers Corrections Center, Indian Ridge Corrections Center (Arlington), Special Offender Center (Monroe), Clallam Bay Corrections Center, Washington Correction Center for Women (Purdy), Olympic Corrections Center, Pine Lodge Pre-Release/Correction Center, Coyote Ridge, Washington Corrections Center (Shelton), McNeil Island Penitentiary, Washington State Penitentiary (Walla Walla), Airway Heights, and Tacoma Pre-Release. These will be the "Covered DOC Facilities."

A class action was certified regarding claims made in connection with these calls. The Court is now considering whether to approve a settlement of these claims, and this notice describes how you may object, support or otherwise comment on the settlement and how you may file a claim for a share of the settlement if it is approved by the Court.

### **2. What does the proposed Settlement Agreement provide?**

A copy of the settlement agreement may be found at [www.ratedisclosure.com](http://www.ratedisclosure.com). The key provisions are summarized below:

- **Settlement Payment of \$45,000,000**

AT&T will pay \$45,000,000 into a settlement account distributed to class members after the payment of court-approved attorney fees, litigation costs, administrative expenses, and case contribution award.

- **Amount of Award and Plan of Allocation**

A class member's recovery is based on the cost of all qualified collect calls accepted during the Class Period from the Covered DOC Facilities, plus two hundred dollars. Distributions to class members will be made under an allocation plan enclosed with this notice. For example, if a class member accepted ten collect calls and was charged \$51.45 for those calls, then the class member would have a claim for \$251.45 – the cost of all the calls plus \$200.00.

Class counsel anticipates, but cannot guarantee, that sufficient funds will remain after the payment of fees, costs, expenses, and a case contribution award to fully pay all class members' claims. If, however, insufficient funds remain to fully pay all claims then each claim will be subject to a *pro rata* deduction. Any excess funds will be distributed to the Legal Foundation of Washington and other organization approved by the Court under Washington Civil Rule 23(f).

- **Attorney Fees, Costs and Expenses**

Under the proposed settlement, attorneys' fees, costs and expenses shall be paid out of the settlement fund in an amount to be determined by the Court.

Class counsel is asking to be paid up to 35% of the gross settlement amount as attorneys' fees and approximately \$500,000 for litigation costs and expenses. Any award of attorney fees, costs, and expenses must be approved by the Court. Class counsel will file a motion with the Court for

**QUESTIONS? CALL 1-800-000-0000 TOLL FREE, OR VISIT [WWW.RATEDISCLOSURE.COM](http://WWW.RATEDISCLOSURE.COM)  
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

approval of their request for fees, costs and expenses. You may request a copy of the request be provided to you when filed with the Court. Expenses incurred in the claims process will also be paid out of the settlement funds prior to allocating awards to class members.

- **Case Contribution Award**

Named plaintiffs Sandy Judd, Tara Herivel and Columbia Legal Services will also each request a case contribution payment for \$50,000 out of the Settlement fund to represent the time, effort, and risk it undertook in pursuing these class claims. The award will only be paid if approved by the Court.

- **Release**

The Agreement provides for a release of AT&T from all obligations and liabilities arising for collect calls from the Covered DOC Facilities during the Class Period.

### 3. How may I respond to the proposed Settlement Agreement?

If you wish to object to, comment on, or support the Settlement Agreement or the request for payment of attorney's fees, costs, expenses or case contribution awards, you must submit your written comments by \_\_\_\_\_ to:

Attn: The Clerk of the Court  
Re: *Judd v. AT&T, T-Netix*, Cause No. 00-2-17565-5SEA  
KING COUNTY SUPERIOR COURT  
516 3<sup>rd</sup> Ave.  
Seattle, WA 98104

You must also send copies to:

Chris R. Youtz, Class Counsel  
Richard E. Spoonemore, Class Counsel  
SIRIANNI YOUTZ SPOONEMORE  
999 Third Avenue, Suite 3650  
Seattle, WA 98104

Charles W. Douglas, AT&T's Counsel  
SIDLEY AUSTIN PLLC  
One South Dearborn Street  
Chicago, IL 80603

You or your own lawyer may attend the Settlement Approval Hearing at your own expense. You are not required to attend the hearing.

### 4. What is a class action and who is involved?

In a class action lawsuit, one or more people or entities called "Class Representatives" sue on behalf of other people who have a similar claim. The people together are a "Class" or "Class Members." AT&T is called the "Defendant." In a class action, one court resolves the issues for everyone in the class - except for those people who exclude themselves from the class. The definition of the classes can be found at [www.ratedisclosure.com](http://www.ratedisclosure.com).

The case is *Judd, et al. v. American Telephone and Telegraph Co., et al.*, Civil Action No. 00-2-17565-5SEA, pending in King County Superior Court.

**QUESTIONS? CALL 1-800-000-0000 TOLL FREE, OR VISIT [WWW.RATEDISCLOSURE.COM](http://WWW.RATEDISCLOSURE.COM)**  
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## 5. What is this lawsuit about?

This lawsuit claims that AT&T failed to provide certain legally required rate information on collect calls placed by inmates from Washington Department of Corrections facilities. It alleges that AT&T must pay statutory damages to persons who accepted or paid for those calls, which the Court has defined as \$200 per person plus the cost of the collect calls accepted. This settlement resolves a portion of those claims: certain collect calls received in Washington from inmates at Covered DOC Facilities during the time period of June 20, 1996 through December 31, 2000.

## 6. Is there any money available now?

No money is available now because the Court has not yet decided whether to approve the Settlement Agreement. *However, if the Settlement Agreement is approved then you will be entitled to an award.* To receive your award, you **MUST** return a claim form (included with this mailing) or make a claim by going to [www.\\_\\_\\_\\_\\_](http://www.ratedisclosure.com) and following the instructions on how to make a claim. *Your claim must be submitted by: \_\_\_\_\_.* If the Court does not approve the Settlement Agreement, then the case will return to litigation which may, or may not, result in a recovery.

## 7. Do I have to come to the Final Approval Hearing?

You need not attend the final approval hearing. You and/or your own lawyer may attend at your own expense. If you wish to object to any aspect of the settlement, you may do so at the final hearing provided you sent in your written objection by \_\_\_\_\_. If you did not file a written objection to the settlement, you may not object at the hearing.

## 8. Are more details available?

Visit the website, [www.ratedisclosure.com](http://www.ratedisclosure.com), where you will find important information and documents, including the Settlement Agreement, the court's Order Certifying the Class, the Complaint, AT&T Answer to the Complaint, and information on filing claims. You may also obtain more information by calling (800) 000-0000 or by writing to:

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[CLASS MEMBER CLAIM DATA, VERIFICATION AND SUBMISSION DETAILS APPEAR HERE]

**QUESTIONS? CALL [1-800-000-0000](tel:1-800-000-0000) TOLL FREE, OR VISIT [WWW.RATEDISCLOSURE.COM](http://WWW.RATEDISCLOSURE.COM)  
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# Appendix 4

## LEGAL NOTICE

If you received a collect telephone call from an inmate at a Washington Department of Corrections Facility between June 20, 1996 and December 31, 2000, your rights may be affected by a class action settlement.

A \$45,000,000 settlement has been reached in a class action lawsuit against AT&T. The Court previously certified the lawsuit as a class action and is now considering whether to approve the settlement. This notice summarizes the settlement, your rights, and how to file a claim for a share of the settlement if it is approved by the Court.

### Who's included?

You may be a member of the class if you accepted an intrastate collect call carried by AT&T from Washington State Reformatory (Monroe), Twin Rivers Corrections Center, Indian Ridge Corrections Center (Arlington), Special Offender Center (Monroe), Clallam Bay Corrections Center, Washington Correction Center for Women (Purdy), Olympic Corrections Center, Pine Lodge Pre-Release/Correction Center, Coyote Ridge, Washington Corrections Center (Shelton), McNeil Island Penitentiary, Washington State Penitentiary (Walla Walla), Airway Heights, and Tacoma Pre-Release between June 20, 1996 and December 31, 2000.

### What's this about?

This lawsuit claims that AT&T failed to provide required rate information on collect calls from Washington Department of Corrections facilities. The suit seeks statutory damages for persons who accepted or paid for those calls, which the Court has defined as \$200 per person plus the cost of the collect calls accepted.

### What does the settlement provide?

The settlement provides: (1) payment of \$45,000,000, which will be distributed to class members after the payment of court-approved attorneys' fees, litigation costs, administrative expenses, and case contribution award; (2) attorneys' fees of up to 35% of the gross settlement amount and approximately \$500,000 for litigation costs and expenses; (3) \$50,000 case contribution awards to the Named Plaintiffs, Sandy Judd, Tara Herivel and Columbia Legal Services; and (4) release of AT&T from all liability arising from the calls at issue in this litigation. The Settlement Agreement may be viewed at [www.ratedisclosure.com](http://www.ratedisclosure.com).

### How do you get an award and how much will it be?

Using a QR app on a smart-phone, scan the QR code below. This will take you directly to the claim page of the website. Enter the information requested to complete your claim and submit it. You may also use a computer to submit a claim online at [www.ratedisclosure.com](http://www.ratedisclosure.com). Your claim must be submitted by [MONTH 00, 0000]. A class member's payments will be based on the cost of all qualified collect calls accepted during the Class Period, plus \$200. If, after the payment of fees, costs, expenses and a case contribution award, insufficient funds remain to fully pay all claims then each claim will be subject to a *pro rata* deduction. If the Court does not approve the Settlement Agreement, then the case will return to litigation which may, or may not, result in a recovery.

### What are your rights?

If you are a member of the class, you have the right to object to, comment on, or support the Settlement Agreement or the request for payment of attorneys' fees, costs, expenses or case contribution award. You must submit your written comments by [MONTH 00, 0000] to: (1) the Clerk of the Court, Re: *Judd v. AT&T, T-Netix*, Cause No. 00-2-17565-5SEA, KING COUNTY SUPERIOR COURT, 516 3<sup>rd</sup> Ave., Seattle, WA 98104; (2) Chris R. Youtz and Richard E. Spoonemore, Class Counsel, SIRIANNI YOUTZ SPOONEMORE, 999 Third Avenue, Suite 3650, Seattle, WA 98104; and (3) Charles W. Douglas, AT&T's Counsel, SIDLEY AUSTIN PLLC, One South Dearborn Street, Chicago, IL 80603.

You or your own lawyer may also attend the Settlement Approval Hearing at your own expense, but you are not required to.

### How can I get more information?

You may receive more information at [www.ratedisclosure.com](http://www.ratedisclosure.com), or by calling 1-888-623-6176.

The case is *Judd, et al. v. American Telephone and Telegraph Co., et al.*, King County Cause No. 00-2-17565-5 SEA.

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