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9 Attorneys for Defendants

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10 HEATHER STERN, on behalf of
11 herself and all others similarly situated,

12
13 Plaintiff,
14 v.

15 AT&T MOBILITY CORPORATION
16 f/k/a CINGULAR WIRELESS
17 CORPORATION, et al.,

18 Defendants.

CASE NO. CV 05-8842 CAS (CTx)

**DECLARATIONS OF
(1) CHRISTOPHER HUFFSTUTLER,
(2) JOHN T. THROCKMORTON,
(3) PAMELA ARNOLD, AND
(4) JESSICA ADAMS REGARDING
BILL INSERTS AND BILL
MESSAGES IN SUPPORT OF
MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENTS**

18 PAUL LOZANO, on behalf of himself
19 and all others similarly situated,

20
21 Plaintiff,
22 v.

23 AT&T WIRELESS SERVICES, INC.,
24 et al.,

25 Defendants.

CASE NO. CV 02-0090-CAS (AJWx)

23 HEATHER STERN, on behalf of
24 herself and all others similarly situated,

25
26 Plaintiff,
27 v.

28 NEW CINGULAR WIRELESS
SERVICES, INC. f/k/a AT&T
WIRELESS SERVICES, INC., et al.,

Defendants.

CASE NO. SACV 09-1112-CAS (AGRx)

Case Nos. CV 05-8842; CV 02-0090; SACV 09-1112

DECLARATIONS REGARDING BILL INSERTS AND BILL MESSAGES IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENTS

DECLARATION OF CHRISTOPHER HUFFSTUTLER

I, CHRISTOPHER HUFFSTUTLER, declare as follows:

1. I am currently employed as a Senior IT Analyst by AT&T Services, Inc. I have been employed by AT&T Services, Inc. or its predecessors and related companies since 1999. I have personal, firsthand knowledge of the facts stated herein and, if called to testify, I could and would competently testify to these facts.

2. In my role as a Senior IT Analyst, I am familiar with the information on AT&T Mobility’s active electronic databases and the information that AT&T Mobility maintains in data archives for AT&T Wireless Services, Inc. (“AWS”) subscribers, including unique subscriber identification numbers, billing information and transactions, names, and addresses, and how to search that information.

3. As described in my declaration dated April 21, 2010 (the Declaration of Christopher Huffstutler in Support of Motion for Preliminary Approval of Class Action Settlements (Dkt. No. 275), my “April Declaration”), I was asked to obtain data regarding the current and former AT&T Mobility subscribers who may be members of the UCC Settlement Class, as defined in my April Declaration. To facilitate the distribution of notice of the settlements in the above captioned lawsuits (the “AT&T Wireless Settlements”), I was asked to provide portions of this data to AT&T Mobility personnel and the settlement administrator, the Garden City Group (“GCG”).

Data Regarding Current AT&T Mobility Subscribers Who Receive Paper Bills

4. Many of AWS’s subscribers who are potential class members remained subscribers of AWS’s successor companies, Cingular and AT&T Mobility, through April 2010. As described in my April Declaration, I identified unique subscriber IDs associated with 6,850,636 subscribers who were, at that time, potential members of the UCC Settlement Class. (See April Declaration ¶ 23). A unique subscriber ID

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1 is a code made of a series of numbers or letters that is assigned to a subscriber each
2 time he or she activates an account with AWS.

3 5. As of May 20, 2010, unique subscriber IDs associated with 6,805,916
4 of these potential members of the UCC Settlement Class continued to be customers
5 of AT&T Mobility (the “Current Subscribers”). Of these Current Subscribers,
6 unique subscriber IDs associated with 4,852,080 of these Current Subscribers
7 received paper bills from AT&T Mobility by mail as of May 20, 2010.

8 6. AT&T Mobility sends its bills on an account level, and a single account
9 may have multiple subscribers. Consequently, a single bill, sent to a single account,
10 can include the bill for multiple subscribers.

11 7. In June 2010, I provided account-level data, including the name,
12 subscriber identification number, and address, for the Current Subscribers who
13 receive paper bills from AT&T Mobility to John T. Throckmorton. Mr.
14 Throckmorton is an Associate Director of Marketing Communications for AT&T
15 Mobility who assisted in preparing the bill inserts and bill messages for the AT&T
16 Wireless Settlements. The unique subscriber IDs associated with the 4,865,325
17 Current Subscribers who receive paper bills from AT&T Mobility comprised
18 3,392,871 unique accounts.

19 **Email Addresses for Current and Former AWS Subscribers**

20 8. I was asked to obtain email addresses from AT&T’s electronic
21 databases that are associated with the unique subscriber IDs for certain potential
22 UCC class members.

23 9. In April 2010, I identified unique subscriber IDs associated with
24 1,916,520 Current Subscribers who pay their bills from AT&T Mobility online or
25 through other methods, such as combined billing with other AT&T services (the
26 “Non-Traditional Bill” Subscribers). (See April Declaration ¶ 26). Because
27 subscribers who pay their bills online must provide a valid, current email address to
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1 AT&T Mobility, in my April 2010 Declaration, I explained that AT&T Mobility
2 would have email addresses associated with many of the Non-Traditional Bill
3 Subscribers. (*Id.*) Other Non-Traditional Bill Subscribers, for example, those who
4 receive paper bills for combined billing with other AT&T services, may not have
5 provided AT&T Mobility with their email addresses. In April 2010, I did not
6 determine the number of unique subscriber IDs for Non-Traditional Bill Subscribers
7 for whom AT&T Mobility had email addresses.

8 10. In June 2010, I identified unique subscriber IDs associated with
9 1,889,174 of these Non-Traditional Bill Subscribers for whom AT&T Mobility has
10 email addresses.

11 11. In April 2010, I also identified unique Subscriber IDs associated with
12 8,053,331 former AWS subscribers that provided their email addresses to AWS or
13 its successor companies (the “Former Subscribers”). In June 2010, I updated my
14 electronic searches for the Former Subscribers, and I found that the number of
15 unique subscriber IDs associated with these Former Subscribers increased to
16 8,078,638.

17 12. Altogether, I determined that AT&T’s databases contained a total of
18 9,967,812 unique subscriber IDs associated with email addresses for the Former
19 Subscribers and the Non-Traditional Bill Subscribers.

20 13. I found that this list of 9,967,812 email addresses contained substantial
21 duplication because, for example, a single email address may have been provided
22 for several subscribers. Because of this duplication, I identified a total of 7,596,651
23 unique e-mail addresses.

24 14. In addition, when I analyzed the 7,596,651 unique e-mail addresses for
25 these Former Subscribers and Non-Traditional Bill Subscribers, I identified 416,010
26 suspicious email addresses, which followed the pattern:

27 “ABC.....XYZ@CINGULAR.COM”.

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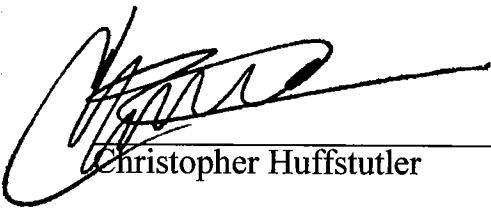
One example of a complete email address following this pattern is:

“ABC0003300000094609096XYZ@CINGULAR.COM.”

In consultation with other AT&T personnel, I determined that these 416,010 email addresses were not valid email addresses and excluded them from the list of email addresses that I provided to GCG.

15. After excluding the duplicative email addresses and the invalid “@cingular.com” email addresses, I provided GCG a list of 7,180,641 email addresses associated with the Former Subscribers and the Non-Traditional Bill Subscribers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 15th day of October, 2010, in Dallas, Texas.



Christopher Huffstutler

DECLARATION OF JOHN T. THROCKMORTON

1
2 I, JOHN T. THROCKMORTON, declare as follows:

3 1. I am Associate Director of Marketing Communications for AT&T
4 Mobility LLC (“AT&T Mobility”). I have personal, firsthand knowledge of the
5 facts stated herein and, if called to testify, I could and would competently testify to
6 these facts.

7 2. I worked closely with Pamela Arnold and Jessica Adams to prepare the
8 bill insert and bill message regarding the settlements of the above captioned lawsuits
9 (“the AT&T Wireless Settlements”). Ms. Arnold manages the process of including
10 bill inserts in all of AT&T Mobility’s monthly paper bills to its subscribers. Ms.
11 Adams is responsible for coordinating the placement of the bill messages on AT&T
12 Mobility’s monthly paper bills.

13 3. A bill insert is a single sheet of paper, approximately seven inches tall
14 and four inches wide, that contains a notice or advertisement that AT&T Mobility
15 places into its subscribers’ monthly bills. The bill inserts for the AT&T Wireless
16 Settlements consisted of the language for the Short Form Class Notice, which my
17 team received from AT&T Mobility’s legal department. My team formatted the
18 font and margins of the Short Form Class Notice to comply with AT&T Mobility’s
19 standard style for bill inserts and applied the AT&T logo in the bottom right corner.
20 Attached as Exhibit A is a true and correct copy of the bill insert, as it was inserted
21 into AT&T Mobility’s subscribers’ bills.

22 4. When it includes a bill insert in its subscribers’ bills, AT&T Mobility
23 may print a message on the main portion of the bill, alerting the reader to the
24 presence of the bill insert. In this case, the subscribers’ bills also contained a bill
25 message. The bill message consisted of language that my team received from
26 AT&T Mobility’s legal department, and the headline “Important Legal Settlement
27 Notice.” My team formatted the bill message for inclusion on the paper bills.
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1 Attached as Exhibit B is a true and correct copy of the bill message, as it appeared
2 on a subscriber's bill. The account number of the bill has been redacted.

3 5. The bill inserts and bill messages for the AT&T Wireless Settlements
4 went to a segment of AT&T Mobility's customer base. To send a bill insert to a
5 segment of AT&T Mobility's customer base, my team must create a computerized
6 tracking code (called a "SOC"). A SOC identifies the targeted segment of
7 subscribers and tells the computer to place the specified bill insert and bill message
8 into the bills that AT&T Mobility sends to those subscribers.

9 6. My team initially created a SOC for AT&T Mobility's August 2010
10 bills ("the Original SOC"). I learned on or about May 18, 2010, that the bill inserts
11 and bill messages would need to be provided in customers' bills in July 2010.
12 Consequently, my team created another SOC ("the Revised SOC") for the July 2010
13 bills. The Revised SOC was intended to replace the Original SOC for this project.
14 Christopher Huffstutler, a Senior IT Analyst, provided my team with the data for the
15 Revised SOC that identified the subscribers who were possible class members.

16 7. Next, my team applied the Revised SOC to the accounts of the
17 subscribers identified by Mr. Huffstutler as potential class members. In a typical
18 bill insert process, the SOC does not pick up the accounts of all the subscribers to
19 which it should apply. For example, a SOC does not apply to an account when a
20 subscriber has not timely and completely paid his or her bill in the prior month. I
21 routinely receive a report from the Mass Data Entry ("MDE") team listing all
22 accounts where a specific SOC was not applied.

23 8. As expected, in this case, the Revised SOC did not pick up 25,621 of
24 the included accounts. AT&T Mobility provided a list of these included accounts to
25 the settlement administrator, the Garden City Group ("GCG"), and directed GCG to
26 provide notice to them by mailing a post card to their billing address. I was
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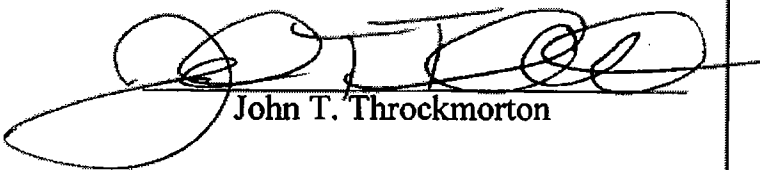
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informed that GCG mailed out post cards to this list of subscribers by August 6, 2010.

9. I submitted a bill insert and bill message request for the AT&T Wireless Settlements to Pamela Arnold in June 2010. AT&T Mobility planned to run the bill inserts from July 1-31, 2010, and on July 1, 2010, AT&T Mobility began the process of including the bill inserts and bill messages. On or about July 6, 2010, I received a call from Ms. Arnold requesting additional information about the appropriate SOC for the bill inserts and bill messages for the AT&T Wireless Settlements. I explained to Ms. Arnold that the Revised SOC, and not the Original SOC should be used. I understand that the Revised SOC was properly applied to the bill inserts and bill messages for the AT&T Wireless Settlements that were printed as of July 7, 2010, which were mailed by July 14, 2010. To ensure that it sent bill inserts to all designated subscribers, AT&T Mobility extended the dates of its bill insert and bill message program for all bills that were mailed through August 13, 2010.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 14th day of October, 2010, at REDMOND, CA


John T. Throckmorton

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DECLARATION OF PAMELA ARNOLD

I, PAMELA ARNOLD, declare as follows:

1. I have worked for AT&T Mobility LLC and its predecessor companies (Cingular Wireless and AT&T Wireless Services, Inc.) for the past 24 years. From 2005 through August 15, 2010, I held the position of IT Business Manager for AT&T Mobility. As of August 16, 2010, I became an Associate Manager, in the IT Department for AT&T Mobility. I have personal, firsthand knowledge of the facts stated herein and, if called to testify, I could and would competently testify to these facts.

2. In my capacity as an IT Business Manager and as an Associate Manager in the IT Department, I manage the process of including bill inserts in all of AT&T Mobility’s monthly paper bills to its subscribers. I have worked with AT&T Mobility’s bill inserts for over 12 years. I worked closely with John Throckmorton and Jessica Adams to prepare the bill insert and bill message regarding the settlements of the above captioned lawsuits (“the AT&T Wireless Settlements”). Ms. Adams is responsible for coordinating the placement of the bill messages on AT&T Mobility’s monthly paper bills. Mr. Throckmorton is an Associate Director of Marketing Communications for AT&T Mobility who assisted in preparing the bill inserts and bill messages for the AT&T Wireless Settlements.

AT&T Mobility’s Bill Insert Process

3. AT&T Mobility sends bills to its subscribers on a monthly basis. Subscribers can elect to receive paper bills or electronic bills. AT&T Mobility prints and mails the bills to its customers from two distribution centers. AT&T Mobility sends approximately 24 million paper bills every month.

4. AT&T Mobility can insert notices into the paper bills that it sends to its subscribers, and it frequently provides notice of class action settlements by including a paper insert in these paper bills.

1 5. AT&T Mobility’s bill printing and distribution is computerized such
2 that AT&T Mobility can track the specific bills in which each bill insert was
3 included. Each bill contains a bar code that tells the distribution center which bill
4 inserts or advertising material to place into the bill as it is printed and progresses
5 down the conveyor belt. The computer pulls the correct bill insert from boxes
6 adjacent to the conveyor belt.

7 6. AT&T Mobility sends out its bills in the same order each month, and,
8 consequently, the same subscribers’ bills are sent on the same day of each month.
9 AT&T Mobility sends bills by account, and a single account can have multiple
10 subscribers. For example, an account with a family plan can have up to five
11 subscribers. Thus, a single bill can reach multiple subscribers.

12 **The AT&T Wireless Settlement Bill Inserts**

13 7. In June 2010, I received a request from John T. Throckmorton for a bill
14 insert for the AT&T Wireless Settlements in the above captioned lawsuit. Mr.
15 Throckmorton coordinated the creation of the computerized tracking code (called a
16 “SOC”) that identifies the targeted segment of subscribers and tells the computer to
17 place the specified bill insert and bill message into the bills that AT&T Mobility
18 sends to those subscribers.

19 8. On July 1, 2010, AT&T Mobility began the bill insert process for the
20 AT&T Wireless Settlements. I carefully monitor the commencement of bill inserts,
21 especially for legal settlements, which I know are time sensitive and a priority for
22 AT&T Mobility. In this case, I noticed on Friday, July 2, 2010 that none of the bill
23 inserts for the AT&T Wireless Settlements had been included in subscribers’ bills. I
24 did not find that to be unusual because I knew that the bill inserts for the AT&T
25 Wireless Settlements were scheduled to go to a small fraction of AT&T Mobility’s
26 customer base—approximately 4 million of the 24 million bills mailed each month.
27 In addition, it is common for bill inserts to be designated for certain geographic
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1 markets, which are printed and mailed as a group. Consequently, I was not
2 concerned on Friday, July 2, when I noticed that the bill inserts for the AT&T
3 Wireless Settlements had not yet begun to print.

4 9. On Tuesday, July 6, when I returned to work after the July 4 holiday, I
5 continued to carefully monitor the bill inserts for the AT&T Wireless Settlements.
6 When I discovered that the bill inserts had not yet begun to print, I investigated
7 whether the SOC for this bill insert was set up correctly. Working together with
8 others in AT&T Mobility's IT and billing departments, I discovered that the
9 computer program was inadvertently set up with a SOC that had been replaced and,
10 consequently, contained no data, as described more fully in the Declaration of John
11 T. Throckmorton. I spoke with Mr. Throckmorton and obtained the correct SOC
12 and immediately worked with our IT Department to apply it to the bill inserts for the
13 AT&T Wireless Settlements. This change took effect for bills that were printed
14 beginning on July 7, 2010, which were mailed by July 14, 2010.

15 10. To send the bill inserts and bill messages to all of the identified
16 potential class members, AT&T Mobility extended the bill insert process to include
17 all bills that were mailed through August 13. AT&T Mobility ran its bill insert
18 process for a full billing cycle—from July 14, 2010 through August 13, 2010.

19 11. I continued to carefully monitor the bill inserts for the AT&T Wireless
20 Settlements and found that all bill inserts and bill messages were properly included
21 into the bills of the identified potential class members in the month of July.

22 12. On August 6, 2010, I learned that, because of a computer programming
23 error, the bill inserts for the AT&T Wireless Settlements had been included in *every*
24 bill that AT&T Mobility mailed to its customers from August 1-6. The inclusion of
25 the bill inserts in every bill was quickly using up the available supply of inserts.

26 13. Consequently, one distribution facility ran out of bill inserts from the
27 evening of Friday, August 6 through mid-day on Monday, August 9, 2010. As
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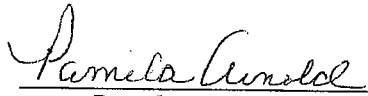
1 described in her declaration, Ms. Adams worked with our IT Department to
2 determine which bills did not receive a bill insert on August 6 through 9. Ms.
3 Adams provided that information to the settlement administrator in this matter, the
4 Garden City Group ("GCG"), which I understand mailed post card notice to all of
5 those subscribers.

6 14. I worked with our IT department to resolve this issue, and, by August
7 8, 2010, the bill inserts were included in only the bills of those customers identified
8 in the correct SOC. I continued to carefully monitor the bill inserts and found that
9 all the bill inserts were correctly inserted into the bills of the customers identified in
10 the correct SOC in the bills printed from August 8-11 and mailed by August 13.

11 **Summary of Bill Inserts**

12 15. In the month of July, AT&T Mobility printed and mailed a total of
13 2,164,827 of the bill inserts for the AT&T Wireless Settlements. In the month of
14 August, AT&T Mobility printed and mailed a total of 5,088,457 of the bill inserts
15 for the AT&T Wireless Settlements. In total, AT&T Mobility printed and mailed
16 7,253,284 of the bill inserts for the AT&T Wireless Settlements. All of the
17 subscribers identified in the correct SOC received either the bill insert and bill
18 message in their monthly bill or received notice by post-card as described in
19 paragraph 13 and in Ms. Adams' declaration.

20
21 I declare under penalty of perjury under the laws of the United States of
22 America that the foregoing is true and correct. Executed on this 14th day of
23 October, 2010, at Alpharetta, Georgia.

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26 Pamela Arnold
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DECLARATION OF JESSICA ADAMS

1. I am a Senior Marketing Manager in AT&T Mobility’s Customer Lifecycle Management Planning and Bill Marketing department. I have personal, firsthand knowledge of the facts stated herein and, if called to testify, I could and would competently testify to these facts.

2. I worked closely with Pamela Arnold and John Throckmorton to prepare the bill insert and bill message regarding the settlements of the above captioned lawsuits (“the AT&T Wireless Settlements”).

3. On July 1, 2010, AT&T Mobility began the bill insert process for the AT&T Wireless Settlements.

4. On July 6, 2010, I learned that the computer program did not include the correct SOC for the AT&T Wireless Settlements, and that Ms. Arnold was working with Mr. Throckmorton and AT&T Mobility’s IT Department to obtain and apply the correct SOC. I determined that the bill messages were successfully applied to all bills designated by the correct SOC beginning on July 7, 2010.

5. On August 6, 2010, I learned that, because of a computer programming error, the bill inserts for the AT&T Wireless Settlements had been included in every bill that AT&T Mobility mailed to its customers from August 1-6. The inclusion of the bill inserts in every bill was quickly using up the available supply of inserts.

6. Consequently, one distribution facility ran out of bill inserts from the evening of Friday, August 6 through mid-day on Monday, August 9, 2010.

7. I then worked with AT&T Mobility’s IT Department to determine which bills did not receive a bill insert from August 6 through 9, 2010. Because AT&T Mobility’s billing process is completely computerized, our IT Department was able to pinpoint those bills that were scheduled to receive a bill insert, but that

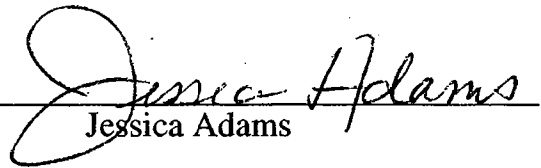
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1 did not receive one. The IT Department determined that 505,588 bills were
2 scheduled to receive a bill insert, but did not receive one. I worked with the IT
3 Department to provide the list containing the names and addresses of these 505,588
4 individuals to the settlement administrator in this matter, the Garden City Group
5 (“GCG”). I understand that GCG mailed post card notice to all of those subscribers.
6

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct. Executed on this 15th day of
9 October, 2010, at Redmond, WA.

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12 Jessica Adams
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