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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

16 HEATHER STERN, on behalf of  
17 herself and all others similarly situated,  
18  
19 Plaintiff,  
20  
21 v.  
22 AT&T MOBILITY CORPORATION  
23 f/k/a CINGULAR WIRELESS  
24 CORPORATION, et al.,  
25 Defendants.

CASE NO. CV 05-8842 CAS (CTx)  
**DECLARATION OF JEANNE C.  
FINEGAN CONCERNING  
IMPLEMENTATION OF  
NOTIFICATION PROGRAM**

Hearing Date: November 15, 2010  
Time: 12:00 p.m.  
Courtroom: 5

26 PAUL LOZANO, on behalf of himself  
27 and all others similarly situated,  
28  
29 Plaintiff,  
30  
31 v.  
32 AT&T WIRELESS SERVICES, INC.,  
33 et al.,  
34 Defendants.

Hon. Christina A. Snyder, presiding  
CASE NO. CV 02-0090-CAS (AJWx)

35 HEATHER STERN, on behalf of  
36 herself and all others similarly situated,  
37  
38 Plaintiff,  
39  
40 v.  
41 NEW CINGULAR WIRELESS  
42 SERVICES, INC. f/k/a AT&T  
43 WIRELESS SERVICES, INC., et al.,  
44 Defendants.

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

**CONSOLIDATED FOR  
COORDINATED SETTLEMENT  
APPROVAL PURPOSES ONLY**

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**DECLARATION OF JEANNE C. FINEGAN, APR CONCERNING  
IMPLEMENTATION OF NOTIFICATION PROGRAM**

I, JEANNE C. FINEGAN, declare as follows:

**OVERVIEW**

1. I am a Senior Vice President of the Garden City Group, Inc. (“GCG”), with management and oversight responsibility for GCG Communications, a division of GCG. This Declaration is based upon my personal knowledge as well as information provided to me by my associates and staff, including information reasonably relied upon in the fields of advertising media and communications. My background and credentials as an internationally recognized notice expert along with judicial comments were previously filed with the Court in the first Declaration of Jeanne C. Finegan, APR, dated April 21, 2010.

2. GCG was engaged by the parties for the above-captioned consolidated actions (the “Actions”) to serve as the Claims Administrator as described in the *Stern v. AT&T Mobility Corporation f/k/a Cingular Wireless Corporation, et al.* (“*Stern I*”) Settlement Agreement and Release, the *Stern v. New Cingular Wireless Services f/k/a AT&T Wireless Services Inc., et al.* (“*Stern II*”) Settlement Agreement and Release, and *Lozano v. AT&T Wireless Services, Inc., et al.* (“*Lozano*”) Settlement Agreement and Release (collectively, the “Settlement Agreements”), and approved in the Court’s three Orders Granting Preliminary Approval of the *Stern I*, *Stern II*, and *Lozano* Settlements (the “Preliminary Approval Orders” or “Orders”), dated May 17, 2010.

3. I submit this Declaration in order to provide the Court and the parties to the Action a report regarding the successful implementation of the Notice Plan as described the Orders to the Settlement Agreement, as it relates to the print publication of the Summary Notice (“Publication Notice”), and publication of the Notice banner ads online, press release, electronic distribution of the Summary

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Email Notice (“Summary Email Notice”), the mailing of the Postcard Notice (“Postcard Notice”), and bill insert notice.

4. Furthermore, this Declaration reports on the operation and maintenance of a dual language dedicated Settlement Website, dual language toll-free number, and Opt-Out Forms received. Operational and maintenance details are more fully described in the Declaration of Jennifer M. Keough.

5. In compliance with the Order, all elements of the Notice Plan have been successfully implemented. Detailed descriptions of those elements are described below.

6. Importantly, this Declaration explains how this comprehensive Notice Plan, as implemented, reached an estimated 78 percent of the potential Class Members in this case, or over 200,538,000 people in the United States. On average, potential class members had the opportunity to see this message 2.2 times. This program not only met, but exceeded the reach assumptions as described in my first Declaration and is the best notice practicable under the circumstances.

**IMPLEMENTATION**

7. In compliance with the Court’s Order, the Notice program commenced on July 1, 2010 and was completed on August 15, 2010. As set forth in my first Declaration, the notice program was designed to accommodate a multifaceted approach, which specifically targeted U.S. owners of cell phones. Understanding that, throughout the class periods, certain customers of AT&T and its predecessor entities have changed cell phone service one or multiple times, the publication component takes into account not only AT&T customers, but *all* cell phone owners. Thus, the target audience is designed to include all members of the UCC Settlement Class. The Settlement Classes are as follows:

- a. ***Stern I Settlement:*** “[R]esidents of the United States who, whether as a new customer or as a preexisting customer, subscribed with

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AWS for wireless telephone service during the Class Period, and who at any time during the Class Period were billed and paid, but were not refunded, for Mode Data Service and/or ENH Discount International Dial.” The Class Period runs from December 20, 2001 to the effective date of the settlement.

b. **Lozano Settlement:** “[A]ll persons who are residents of the State of California, who initiated cellular telephone service with AWS under a ‘One Rate-type’ plan on or after March 1, 1999, and who at any time during the Class Period were charged by AWS for cellular telephone calls during a billing period other than the billing period in which the calls were made.” The Class Period runs from March 1, 1999 to the effective date of the settlement.

c. **The UCC Settlement:** “[A]ll AWS customers who reside in the United States and its territories and who paid, and were not previously refunded or credited, universal connectivity charges.” The Class Period runs from March 1, 1999 to the effective date of the settlement.

**METHODOLOGY**

8. To appropriately design and target the notice publication component of the Notice Program, we have used a scientific methodology that is used throughout the advertising industry and that has been embraced by courts in the United States. *See Daubert v. Merrell Dow Pharmaceuticals* 509 U.S. 579 (1993) (experts must apply a technique that may be tested by peers and use industry accepted methodology); *Kumho Tire Co. v. Carmichael* 526 U.S. 137 (1999) (same). As detailed in my first Declaration the methodology has been accepted by numerous courts. Accordingly, my staff and I studied data provided by nationally syndicated media research bureaus, including Mediamark Research and Intelligence, LLC

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(“MRI”) and comScore<sup>1</sup> in order to determine the estimated net audience reached through this legal notice program.

**ELEMENTS OF THE NOTICE PROGRAM**

9. As set forth in my first Declaration, the elements of this comprehensive Notice Program included: 1) direct notice (billing insert and email); 2) notice by print publication; 3) notice by banner ads online (Internet Advertising); 4) notice by media outreach; 5) a dual language Settlement website; and 6) a dual language toll-free information telephone number.

**NOTICE BY GCG**

10. The Notice Plan in the Orders directed GCG to send the Email Notice to: (a) potential members of the UCC Settlement Class who are current ATTM subscribers, and who consistently have been subscribers of AWS, Cingular, and ATTM since 2004, but who do not receive paper bills and for whom ATTM has email addresses, and (b) potential members of the UCC Settlement Class who are former AWS subscribers and who have email addresses on record with ATTM. Additionally, at the Defendant’s request, GCG also mailed a postcard containing the text of the Short Form Class Notice to Class Members. In compliance with the Orders, all elements have been successfully implemented. A complete description of those outreach efforts are found in the Declaration of Jennifer M. Keough.

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<sup>1</sup> MRI is a nationally syndicated research tool. It is the leading supplier of multi-media audience research, and provides comprehensive reports on demographic, lifestyle, product usage and media exposure. MRI conducts more than 26,000 personal interviews annually to gather their information, and is used by more than 450 advertising agencies as the basis for the majority of media and marketing campaigns. comScore is a global Internet information provider on which leading companies and advertising agencies rely for consumer behavior insight and Internet usage data. comScore maintains a proprietary database of more than 2 million consumers who have given comScore permission to monitor their browsing and transaction behavior, including online and offline purchasing. comScore panelists also participate in survey research that captures and integrates their attitudes and intentions.

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**NOTICE BY PUBLICATION**

11. The Court’s Preliminary Approval Order directed that notice by publication commence no later than July 1, 2010, and conclude within 45 days, no later than August 15; both of these requirements have been met. The Preliminary Approval Order provided that the Summary Notice direct Settlement Class Members to the website and include telephone numbers so that Settlement Class Members may call to request more information or order mailed copies of relevant forms, advise Settlement Class Members of their right to exclude themselves in summary form, and provide the date, time and location of the Fairness Hearing. As set forth in further detail below, the Summary Notice was timely published in accordance with these instructions.

**PROGRAM AS IMPLEMENTED**

12. The Summary Notice was published once in each of the publications below. Attached as Exhibit 1 are proofs of publication for each title.

<b>Magazine And Newspaper Circulation And Publication Date</b>				
<b>Title</b>	<b>Circulation</b>	<b>Unit Size</b>	<b>Insertions</b>	<b>Publication Date</b>
<i>Parade</i>	32,200,000	3/10 Page	1	7/11/10
<i>USA Weekend</i>	22,600,000	Digest Page	1	7/11/10
<i>People Magazine</i>	3,615,858	1/2 Page	1	7/19/10
<i>Newsweek</i>	1,500,000	1/2 Page	1	7/19/10
<i>Sports Illustrated</i>	3,150,000	1/2 Page	1	7/19/10
<b>Estimated Total:</b>	<b>63,065,858</b>		<b>5</b>	

13. Additionally, the Summary notice was published once in the following newspapers generally circulated in the U.S. Territories. Attached as Exhibit 2 are proofs of publication for each newspaper.

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U.S. Territories Publications			
Title	Market	Circulation	Publication Date
<i>El Nuevo Dia</i>	Puerto Rico/San Juan	212,214	7/14/10
<i>Pacific Daily News</i>	Hagatna, Guam	20,222	7/14/10
<i>Saipan Tribune</i>	Garapan, Northern Mariana Islands	2,500	7/14/10
<i>Samoa News</i>	Pago Pago, American Samoa	5,000	7/15/10
<i>St. Croix Avis</i>	Christiansted, Virgin Islands	14,500	7/16/10
<i>Virgin Islands Daily News</i>	St. Thomas, Virgin Islands	17,000	7/14/10
<b>U.S. Territories Total:</b>		<b>271,436</b>	

**INTERNET**

14. Internet banner ads were posted on the sites identified below. The banners were posted over a one-month period. Banner ads provided a link directly to the official website for more information. Attached as Exhibit 3 are screenshots and proof of posting for the Internet web sites.

Websites	Banner Ad Schedule
<i>Hotmail (Run of Site)</i>	6/30 – 7/29/10
<i>Facebook</i>	6/30 – 7/29/10
<i>MySpace</i>	6/30 – 7/29/10
<i>Yahoo (Run of Network)</i>	6/30 – 7/29/10
<i>Yahoo Mail</i>	6/30 – 7/29/10
<i>AOL (Run of Network)</i>	6/30 – 7/29/10
<i>AOL Mail</i>	6/30 – 7/29/10
<i>24/7 Network</i>	6/30 – 7/29/10
<i>Univision</i>	6/30 – 7/29/10
<b>Total Impressions delivered</b>	<b>198,315,362</b>

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**PRESS RELEASE**

15. As directed in the Notice Plan, GCG issued a press release on behalf of AT&T regarding the Settlement on July 2, 2010 over *PR Newswire*'s English and Hispanic newlines. *PR Newswire* is a world-recognized newswire with a wire, Internet, satellite and fax network that is capable of the immediate distribution of news releases to the media, financial community and consumers. The press release generated 294 articles and news mentions of the Settlement, on web sites delivering an estimated 115,343,044 impressions. Attached as Exhibit 4 is a report<sup>2</sup> summarizing the results as well as copies of the articles.

**WEBSITE**

16. The [www.awssettlement.com](http://www.awssettlement.com) website became available on June 29, 2010 and is accessible 24 hours a day, 7 days a week. The website served as a "landing page" for the banner advertising, where Class Members may continue to obtain further information about the class actions, their rights, dates and deadlines and related information. The website address was prominently displayed in the publication notice and is accessible 24-hours a day, 7-days a week. A visitor report is more fully described in the Declaration of Jennifer Keough.

**TELEPHONE HELPLINE**

17. As directed in the Notice Plan and as part of the Claims Administration services, on June 28, 2010, GCG made operational a dual language English/Spanish toll-free Interactive Voice Response ("IVR") system to accommodate inquiries from Class Members. Once a caller connects to the helpline, he or she hears an Interactive Voice Recording ("IVR"). The IVR provides detailed information to callers about

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<sup>2</sup> Note: some links were unavailable for screen capture. Every effort was made to capture the results of the campaign, which as shown above were represented by PR Newswire.

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this Settlement; including the contact information for plaintiffs' counsel should they have additional questions, and allows members of the UCC Settlement Class to request a claim form. The telephone number was prominently displayed in the direct mail and email Notice, the publication Notice, and on the website.

**CONCLUSION**

18. Using tools and methods accepted within the advertising industry, the media outreach effort alone described in this program has been reasonably calculated to reach an estimated 78 percent of owners of cell phone, or over 200,538,000 people in the United States. On average, potential class members had the opportunity to see this message 2.2 times. Without a doubt, this outreach effort was additionally enhanced by the direct mail and email notice efforts along with the nearly 300 articles about this settlement. In my opinion, the efforts employed in this notice program were reasonably calculated to provide the best notice practicable under the circumstances, and were consistent with other court approved notice programs in similar matters.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 15, 2010, in Lake Oswego, Oregon.

  
JEANNE C. FINEGAN