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10 Attorneys for Defendants

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

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

13 Plaintiff,

14 v.

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

CASE NO. CV 05-8842 CAS (CTx)

**DECLARATION OF JENNIFER M.
KEOUGH REGARDING
IMPLEMENTATION OF NOTICE
PLAN, OPT-OUT REQUESTS, AND
OBJECTIONS RECEIVED**

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

Hon. Christina A. Snyder, presiding

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

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

20 Plaintiff,

21 v.

22 AT&T WIRELESS SERVICES, INC.,
et al.,
Defendants.

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

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

25 Plaintiff,

26 v.

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

**CONSOLIDATED FOR
COORDINATED SETTLEMENT
APPROVAL PURPOSES ONLY**

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

DECLARATION OF JENNIFER M. KEOUGH REGARDING IMPLEMENTATION OF NOTICE PLAN, OPT-OUT
REOUESTS. AND OBJECTIONS RECEIVED

DECLARATION OF JENNIFER M. KEOUGH

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JENNIFER M. KEOUGH declares:

1. I am Executive Vice President, Operations of The Garden City Group, Inc. (“GCG”). I have over 19 years experience working in the legal field. The overwhelming majority of that time has been spent managing complex projects and class action administration. Since 2003, I have overseen GCG’s West Coast operations. I have particular expertise in the innovative construction of administration protocols, plan of allocation design and interpretation and processes involving highly complex data issues, to name a few. The following statements are based on my personal knowledge and information provided by other experienced GCG employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

2. GCG has been providing comprehensive legal administrative services for over 25 years. Our team has served as administrator for well over 1,000 cases. In the course of our history, we have mailed over 227 million notices, handled over 3 million calls, processed over 41 million claims, and distributed over \$22 billion. The operations team working on the implementation of this Settlement has a combined 46 years of legal experience. Additionally, GCG utilized its in-house quality assurance department, a value added service that is unique within the class action services business. Finally, GCG employs IT personnel that have experience handling large electronic notice campaigns and online claims submissions. Indeed, the IT staff working on this Settlement program has sent well in excess than 100 million email notices in 2010 alone.

3. 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*

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

DECLARATION OF JENNIFER KEOUGH REGARDING IMPLEMENTATION OF NOTICE PLAN, OPT-OUT REQUESTS, AND OBJECTIONS RECEIVED

1 Corporation f/k/a Cingular Wireless Corporation, et al. (“Stern I”) Settlement Agreement and
2 Release, the Stern v. New Cingular Wireless Services f/k/a AT&T Wireless Services Inc., et al.
3 (“Stern II”) Settlement Agreement and Release, and Lozano v. AT&T Wireless Services, Inc., et
4 al. (“Lozano”) Settlement Agreement and Release (collectively, the “Settlement Agreements”),
5 and approved in the Court’s three Orders Granting Preliminary Approval of the Stern I, Stern II,
6 and Lozano Settlements (the “Preliminary Approval Orders” or “Orders”), dated May 17, 2010. I
7 submit this Declaration in order to provide the Court and the parties to the Actions with
8 information regarding the implementation of the Notice Plan as it relates to the electronic
9 distribution of the Short Form Class Notice (“Email Notice”) and publication of the Short Form
10 Class Notice (“Publication Notice”). Furthermore, this Declaration reports on the operation and
11 maintenance of a dedicated Settlement Website and toll-free telephone number, Requests for
12 Exclusions received, and objections received.
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14

15 **EMAIL NOTICE**
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17 4. The Notice Plan in the Orders directed GCG to send the Email Notice to: (a)
18 potential members of the UCC Settlement Class who are current ATTM subscribers, and who
19 consistently have been subscribers of AWS, Cingular, and ATTM since 2004, but who do not
20 receive paper bills and for whom ATTM has email addresses, and (b) potential members of the
21 UCC Settlement Class who are former AWS subscribers and who have email addresses on record
22 with ATTM.
23

24
25 5. On or about June 4, 2010, ATTM provided GCG with an electronic file
26 containing 7,180,641 records and informed GCG that these files included the last known email
27 address of those potential members of the UCC Settlement Class (“Class Members”) that are
28

1 described above. GCG identified 8,046 records with invalid email addresses. Email addresses
2 are categorized as invalid for a variety of reasons and most commonly if they do not meet the
3 standard characterizations required for email addresses or if they have an invalid domain name
4 extension. Where GCG was able to identify issues with the email address, GCG strove to correct
5 them. The remaining list of 7,172,595 valid emails (the "Class List") was loaded into a database
6 GCG created for the Email Notice campaign.

7
8 6. In order to effectively implement email notice campaigns, GCG maintains a
9 proprietary list of contacts at Internet Service Providers ("ISPs") that GCG communicates with
10 when an ISP will receive large volumes of class action notice emails. Communication with ISPs
11 in advance of email notice campaigns facilitates the email notice process and assists in the
12 reduction of blockings. Prior to the commencement of the email notice, GCG communicated
13 with those ISPs who were scheduled to receive more than 10,000 emails in order to effectuate this
14 Notice Plan. On June 25, 2010, GCG mailed a letter informing the ISPs of the Court-ordered
15 Email Notice program (the "ISP letter"). This letter indicated that they would receive a high
16 volume of Email Notices during the Email Notice distribution and requested their assistance and
17 cooperation with the distribution process. Each ISP letter identified the case and contained an
18 overview of the email notice program including the approximate volume of emails each ISP
19 would receive, the subject line and content of the email, and the domain name and IP address
20 from which the emails would be sent. A sample of the ISP Letter is attached as Exhibit A.
21
22
23

24 7. As directed in the Notice Plan, GCG caused the Short Form Class Notice to be
25 formatted for electronic distribution by email to Class Members on the Class List. GCG
26 commenced distributing the Email Notice to the email addresses on the Class List on June 30,
27 2010 and completed the Email Notice distribution before August 15, 2010. In order to improve
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1 deliverability, GCG initially sent the Email Notices at lower daily email volumes and then
2 increased email delivery volumes to levels that would insure completion by the notice deadline.
3 GCG closely monitored failed email delivery attempts throughout the Email Notice distribution.
4 7,172,595 emails were sent of which 4,332,805 were not returned to GCG. GCG could not
5 deliver 2,344,763 emails because the email address no longer existed (2,170,672), the email
6 account was closed (3,885), or the email address had a bad domain name or address error
7 (170,206) (collectively, "Hard Bounces"). After an additional three delivery attempts, 495,027
8 emails were not delivered due to such reasons as inactive or disabled accounts (135,618), full
9 recipient mailboxes (9,475), recipient server network and technical auto-replies (200,153), and
10 recipient server was too busy or unable to deliver (149,781) (collectively, "Soft Bounces").
11 Sixty percent of email deliveries attempted did not result in Hard or Soft Bounces. The Email
12 Notice distribution was completed by July 28, 2010. A true and correct copy of the Email Notice
13 is attached hereto as Exhibit B.
14
15

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17 **POSTCARD NOTICE**

18 8. At the Defendant's request, GCG also mailed a postcard containing the text of the
19 Short Form Class Notice to 530,902 Class Members. GCG received 25,621 records from AT&T
20 on August 3, 2010. After review and de-duplication, 25,314 postcards were mailed on August 6,
21 2010. An additional 505,588 postcards were mailed on or before August 14, 2010. A true and
22 correct copy of the postcard mailed is attached hereto as Exhibit C.
23
24

25 **PUBLICATION NOTICE**

26 9. As directed in the Notice Plan, GCG caused the Short Form Class Notice to be
27 published in one edition each of the following newspapers and magazines: *Parade, USA*
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1 *Weekend, Newsweek, Sports Illustrated, People, El Nuevo Dia, The Daily News, St. Croix Avis,*
2 *Pacific Daily News, Samoa News, and the Saipan Tribune.* GCG can confirm that the Short Form
3 Class Notice was published in *USA Weekend* on July 9, 2010, in *Parade* on July 11, 2010, in *El*
4 *Nuevo Dia, The Daily News, Pacific Daily News,* and the *Saipan Tribune* on July 14, 2010, in the
5 *Samoa News* on July 15, 2010, in the *St. Croix Avis* on July 16, 2010, and in *Newsweek, Sports*
6 *Illustrated,* and *People* on July 19, 2010. The publication of the Short Form Class Notice is
7 discussed in greater detail in the Declaration of Jeanne C. Finegan.
8

9
10 10. As directed in the Notice Plan, GCG caused internet banner ads to be published on
11 the websites for Facebook, Hotmail, Yahoo, Yahoo Mail, 24/7 Network, Univision, AOL and
12 AOL E-mail. Banner ads linked to the website established for the Settlement ran from June 30,
13 2010 through July 29, 2010. The publication of the banner ads is discussed in greater detail in the
14 Declaration of Jeanne C. Finegan.
15

16 11. As directed in the Notice Plan, GCG issued a press release on behalf of AT&T
17 regarding the Settlement on July 2, 2010 over the English language PR Newswire and the Spanish
18 language Hispanic PR Wire. Copies of the press release as published by various news outlets are
19 attached as Exhibit 4 in the Declaration of Jeanne C. Finnegan.
20

21 **SETTLEMENT WEBSITE**

22
23 12. As directed in the Notice Plan, GCG was to establish a dual language
24 English/Spanish Settlement Website, www.awssettlement.com, containing important information
25 about the Settlements, the Settlement Agreements in the Consolidated Cases, the Long Form
26 Class Notice (the "Class Notice"), the Claim Form, and contact information for Class Counsel.
27 From the website Class Members were able to download a copy of the Class Notice and Claim
28

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1 Form of which true and correct copies are attached hereto as Exhibit D and E. The website also
2 includes an online Claim Form. The www.awssettlement.com website became available on June
3 29, 2010 and is accessible 24 hours a day, 7 days a week. As of October 11, 2010, GCG's
4 records show 296,181 visits to the website. GCG has and will continue to maintain and update
5 the website throughout the claims period. A true and correct copy of the website as it currently
6 appears is attached hereto as Exhibit F.

8 **TOLL FREE INFORMATION LINE**

9
10 13. As directed in the Notice Plan, on June 28, 2010, GCG made operational a dual
11 language English/Spanish toll-free Interactive Voice Response ("IVR") system to accommodate
12 inquiries from Class Members. Callers are provided with pre-recorded information about the
13 Settlements and callers can leave a message requesting that a Class Notice and Claim Form be
14 mailed to them. GCG has and will continue to maintain and update the IVR throughout the
15 claims administration process. As of October 14, 2010, GCG has received a total of 15,858 calls
16 to the IVR. A true and correct copy of the IVR script is attached hereto as Exhibit G.

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19
20 **OPT OUT REQUESTS RECEIVED**

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22 14. Class Members who wished to be excluded from the Settlements were required to
23 submit written Requests for Exclusions to GCG, postmarked no later than September 29, 2010.
24 As of October 11, 2010, GCG had received 67 timely and potentially valid Requests for
25 Exclusion and zero untimely Requests for Exclusion. GCG notes that a Request for Exclusion
26

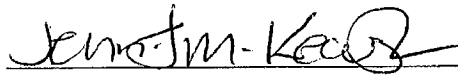
1 has been filed by Kwaku Kushindana. Counsel for the Defendants has informed GCG that Mr.
2 Kushindana also has filed an objection.

3
4 **OBJECTIONS RECEIVED**

5 15. Class Members who wished to object to Settlement Agreements or any of their
6 terms were required to submit their comments and objections, together with supporting material,
7 to the Court, Plaintiffs' Counsel, and Defendants' Counsel by September 29, 2010. GCG has
8 been informed by Counsel that 9 Objections have been submitted. As of October 11, 2010, GCG
9 has received zero (0) objections.
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11
12 I declare under the penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.

14 Executed this 15th day of October, 2010 at Seattle, Washington.

15
16 
17 Jennifer M. Keough