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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 TASH HEPTING, GREGORY HICKS,
 CAROLYN JEWEL and ERIK KNUTZEN
 16 on Behalf of Themselves and All Others
 Similarly Situated,
 17
 Plaintiff,
 18
 v.
 19 AT&T CORP., AT&T INC. and DOES 1-
 20 20, inclusive,
 21 Defendant.

Case No. C-06-00672-VRW

**DECLARATION OF JAMES
 J. BROSNAHAN IN SUPPORT
 OF MOTION OF MARK
 KLEIN FOR LEAVE TO FILE
 BRIEF AS AMICUS CURIAE**

Hearing Date: N/A
 Time: N/A
 Courtroom: 6 (17th floor)
 Judge: Hon. Vaughn Walker

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1 I, James J. Brosnahan, declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP and counsel for
3 proposed amicus curiae Mark Klein. I am licensed to practice law in the State of California and
4 before this Court. I have personal knowledge of the matters stated herein and, if called as a
5 witness, could and would testify competently thereto.

6 2. At approximately 11:00 a.m. on May 2, 2006, I faxed a letter to Cindy Cohn,
7 counsel for the plaintiffs, and David Anderson, counsel for the defendants, informing them that
8 Mark Klein intends to move this Court for leave to file a brief as amicus curiae. I requested that
9 they advise me by 3:00 p.m. that day whether they would stipulate to this filing pursuant to Civil
10 Local Rule 7-11. A true and correct copy of my letter to counsel is attached hereto as Exhibit A.

11 3. Counsel for the plaintiffs stipulated to the filing of Mr. Klein's amicus brief.
12 Counsel for the defendants did not sign and return the proposed stipulation. A true and correct
13 copy of the partially executed stipulation is attached hereto as Exhibit B.

14 I declare under penalty of perjury under the laws of the State of California that the
15 statements contained in this declaration are true and correct.

16 Executed on this 4th day of May, 2006, at San Francisco, California.

17
18 /s/

James J. Brosnahan