

1 ELECTRONIC FRONTIER FOUNDATION
 2 CINDY COHN (145997)
 3 cindy@eff.org
 4 LEE TIEN (148216)
 5 tien@eff.org
 6 KURT OPSAHL (191303)
 7 kurt@eff.org
 8 KEVIN S. BANKSTON (217026)
 9 bankston@eff.org
 10 CORYNNE MCSHERRY (221504)
 11 corynne@eff.org
 12 JAMES S. TYRE (083117)
 13 jstyre@eff.org
 14 454 Shotwell Street
 15 San Francisco, CA 94110
 16 Telephone: 415/436-9333
 17 415/436-9993 (fax)

TRABER & VOORHEES
 BERT VOORHEES (137623)
 bv@tvlegal.com
 THERESA M. TRABER (116305)
 tmt@tvlegal.com
 128 North Fair Oaks Avenue, Suite 204
 Pasadena, CA 91103
 Telephone: 626/585-9611
 626/ 577-7079 (fax)

10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 TASH HEPTING, GREGORY HICKS,)
 14 CAROLYN JEWEL and ERIK KNUTZEN, on)
 15 Behalf of Themselves and All Others Similarly)
 16 Situated,)
 17)
 18 Plaintiffs,)
 19 vs.)
 20 AT&T CORP., et al.)
 21)
 22 Defendants.)
 23)
 24)
 25)
 26)
 27)
 28)

No. C-06-00672-VRW
CLASS ACTION
 DECLARATION OF DANIEL O'BRIEN IN
 SUPPORT OF PLAINTIFFS' OPPOSITION
 TO DEFENDANT AT&T INC.'S MOTION
 TO DISMISS AMENDED COMPLAINT
 DATE: June 23, 2006
 TIME: 9:30 a.m.
 COURTROOM: Hon. Vaughn Walker

1 I, Daniel O'Brien, hereby declare:

2 1. I am not a party to this action. I am of legal age, am a resident of California and am a
3 staff member of the Electronic Frontier Foundation, co-counsel for plaintiffs in this action. I have
4 personal knowledge of the matters stated in this declaration and if called upon to do so, I could and
5 would competently testify thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of a web session I completed
7 online, via a web browser, on May 10, 2006. I was in San Francisco, California when I conducted
8 this web session. It records a successful attempt to place an order for an SBC phone line, and
9 international and long distance telephone service.

10 3. My personal information (home address, telephone numbers, social security number,
11 credit card number, and birth date) have been redacted from the filed version of this Declaration for
12 privacy reasons. However, I entered my birth date incorrectly on one screen, which caused a page to
13 be displayed that says, in effect, that I could not set up an account if I was under 18. I corrected the
14 mistake, then proceeded with the rest of the process.

15 4. Attached hereto as Exhibits B, C and D are true and correct copies (except for
16 personal information redaction) of the three email messages I received from SBC, confirming my
17 order.

18 5. I declare that I received no other information or communication from AT&T in the
19 pursuit of placing this order for an SBC phone line, and international and long distance telephone
20 service.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct. Executed this 5th day of June, 2006, at San Francisco, California.

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24
25 

26 DANIEL O'BRIEN

27 W:\AT&T Privacy\DEC00031333_OBrien.DOC

1 CERTIFICATE OF SERVICE

2 I hereby certify that on June 6, 2006, I electronically filed the foregoing with the Clerk of the
3 Court using the CM/ECF system which will send notification of such filing to the e-mail addresses
4 denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the
5 foregoing document or paper via the United States Postal Service to the non-CM/ECF participants
6 indicated on the attached Manual Notice List.

7 /s/

8

MARIA V. MORRIS

9 LERACH COUGHLIN STOIA GELLER
10 RUDMAN & ROBBINS LLP
11 100 Pine Street, Suite 2600
12 San Francisco, CA 94111
13 Telephone: 415/288-4545
14 415/288-4534 (fax)
15 E-mail: mariam@lerachlaw.com

16 I, Maria V. Morris, am the ECF User whose ID and password are being used to file this
17 DECLARATION OF DANIEL O'BRIEN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
18 DEFENDANT AT&T INC.'S MOTION TO DISMISS AMENDED COMPLAINT. In compliance
19 with General Order 45, X.B., I hereby attest that Daniel O'Brien has concurred in this filing.

20 DATED: June 6, 2006

/s/

21

MARIA V. MORRIS

22 W:\AT&T Privacy\DEC00031333_OBrien.DOC
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Mailing Information for a Case 3:06-cv-00672-VRW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Timothy L. Alger**
timalger@quinnemanuel.com albertvillamil@quinnemanuel.com
- **Kevin Stuart Bankston**
bankston@eff.org
- **Bradford Allan Berenson**
bberenson@sidley.com vshort@sidley.com
- **James J. Brosnahan**
jbroshahan@mofo.com bkeaton@mofo.com
- **Cindy Ann Cohn**
cindy@eff.org wendy@eff.org;barak@eff.org
- **Anthony Joseph Coppolino**
tony.coppolino@usdoj.gov
- **Bruce A. Ericson**
bruce.ericson@pillsburylaw.com
- **Jeff D Friedman**
JFriedman@lerachlaw.com RebeccaG@lerachlaw.com
- **Barry R. Himmelstein**
bhimmelstein@lchb.com
- **Eric A. Isaacson**
erici@lerachlaw.com
- **Reed R. Kathrein**
reedk@lerachlaw.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **Michael M. Markman**
mmarkman@hewm.com
- **Brian Martinez**
brianmartinez@mofo.com
- **Edward Robert McNicholas**
emcnicholas@sidley.com vshort@sidley.com
- **Corynne McSherry**
corynne@eff.org
- **Maria V. Morris**
mariam@lerachlaw.com e_file_sf@lerachlaw.com
- **Karl Olson**
ko@lrolaw.com amw@lrolaw.com,slighthill@gmail.com

- **Kurt Opsahl**
kurt@eff.org
- **Renee Sharon Orleans**
renee.orleans@usdoj.gov
- **Shana Eve Scarlett**
shanas@lerachlaw.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **Jacob R. Sorensen**
jake.sorensen@pillsburylaw.com
- **Andrew H Tannenbaum**
andrew.tannenbaum@usdoj.gov
- **Tze Lee Tien**
tien@eff.org aram@eff.org
- **Theresa M. Traber, Esq**
tmt@tvlegal.com
- **James Samuel Tyre**
jstyre@jstyre.com jstyre@eff.org
- **Marc Van Der Hout**
ndca@vblaw.com
- **Bert Voorhees**
bv@tvlegal.com
- **Richard Roy Wiebe**
wiebe@pacbell.net

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

David W. Carpenter

Sidley Austin Brown & Wood LLP
Bank One Plaza
10 South Dearborn Street
Chicago, IL 60600

David L. Lawson

Sidley Austin Brown & Wood
172 Eye Street, N.W.
Washington, DC 20006