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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TASH HEPTING, GREGORY HICKS,)	No. C-06-00672-VRW
CAROLYN JEWEL and ERIK KNUTZEN, on)	
Behalf of Themselves and All Others Similarly)	<u>CLASS ACTION</u>
Situated,)	
)	[PROPOSED] ORDER DENYING AT&T
Plaintiffs,)	INC.'S MOTION TO DISMISS AMENDED
)	COMPLAINT
vs.)	
)	
AT&T CORP., et al.)	
)	
Defendants.)	
)	

1 On April 28, 2006, defendant AT&T Inc. moved pursuant to Federal Rule of Civil Procedure
2 12(b)(2) to dismiss plaintiffs' Amended Complaint for lack of personal jurisdiction. On June 23,
3 2006, the motion duly came on for hearing, the Hon. Vaughn R. Walker, United States District Chief
4 Judge, presiding. Having considered AT&T Inc.'s moving and reply papers, plaintiffs' opposition
5 papers and the oral arguments by counsel:

6 1. Plaintiffs have made a *prima facie* showing that AT&T Inc.'s contacts with California
7 are substantial and continuous enough to allow this Court to assert general jurisdiction over AT&T
8 Inc.

9 2. Plaintiffs have made a *prima facie* showing that AT&T Inc. has purposely availed
10 itself of the privileges of conducting activities in California, plaintiffs' claims arise out of or result
11 from AT&T Inc.'s California related activities, and the exercise of jurisdiction is reasonable, thus
12 allowing this Court to assert specific jurisdiction over AT&T Inc.

13 Therefore, IT IS HEREBY ORDERED that AT&T Inc.'s motion to dismiss Plaintiffs'
14 Amended Complaint be and hereby is DENIED.

15
16 DATED: _____
17 THE HONORABLE VAUGHN WALKER
UNITED STATES CHIEF DISTRICT JUDGE

18 Submitted by:

19 DATED: June 6, 2006

20 ELECTRONIC FRONTIER FOUNDATION
21 CINDY COHN
LEE TIEN
22 KURT OPSAHL
KEVIN S. BANKSTON
23 CORYNNE MCSHERRY
JAMES S. TYRE

24
25 _____ /s/
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Attorneys for Plaintiffs

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

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16 I, Maria V. Morris, am the ECF User whose ID and password are being used to file this
17 [PROPOSED] ORDER DENYING AT&T INC'S MOTION TO DISMISS PLAINTIFFS'
18 AMENDED COMPLAINT. In compliance with General Order 45, X.B., I hereby attest that Cindy
19 A. Cohn has concurred in this filing.

20 DATED: June 6, 2006

21 /s/

22

MARIA V. MORRIS

23 W:\AT&T Privacy\ORD00031624.doc
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