

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)

18 Attorneys for Plaintiffs

19 [Additional counsel appear on signature page.]

20 UNITED STATES DISTRICT COURT  
 21 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN FRANCISCO DIVISION

23 TASH HEPTING, GREGORY HICKS, )  
 24 CAROLYN JEWEL and ERIK KNUTZEN, on )  
 25 Behalf of Themselves and All Others Similarly )  
 26 Situated,, )  
 27 )  
 28 Plaintiffs, )  
 29 )  
 30 v. )  
 31 )  
 32 AT&T CORP., et al., )  
 33 )  
 34 Defendants. )

No. C-06-0672-VRW

**CLASS ACTION**

**DECLARATION OF MICHAEL M. MARKMAN IN SUPPORT OF PLAINTIFFS' MOTION TO EXTEND PAGE LIMIT FOR OPPOSITION TO MOTION TO DISMISS AMENDED COMPLAINT BY DEFENDANT AT&T, CORP. (N. D. CAL. CIVIL LOCAL RULE 7-11)**

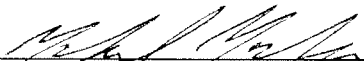
Courtroom: 6, 17th Floor  
 Judge: The Hon. Vaughn R. Walker,  
 Chief Judge

1 I, Michael M. Markman, hereby declare:

2 1. I am an attorney with the law firm of Heller Ehrman LLP, counsel of record for  
3 Plaintiffs in this action. I am licensed to practice before this Court and I have personal knowledge  
4 of the facts stated herein, unless otherwise indicated.

5 2. On Thursday, June 1, 2006, I spoke by telephone with Bruce Ericson of Pillsbury  
6 Winthrop, counsel for AT&T Corporation in this action, to seek an agreement to extend the page  
7 limit for Plaintiffs' opposition to the motion to dismiss of AT&T Corp. to 35 pages. On Friday,  
8 June 2, 2006, Mr. Ericson informed me by telephone that the team representing AT&T Corp.  
9 would not agree to the proposed extension.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is true and  
11 correct. Executed this 6<sup>th</sup> day of June, 2006, at San Francisco, California.

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13   
14 Michael M. Markman

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1 **CERTIFICATE OF SERVICE**

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

7 David W. Carpenter  
8 Sidley Austin Brown & Wood LLP  
9 Bank One Plaza  
10 10 South Dearborn Street  
11 Chicago, IL 60600

12 David L. Lawson  
13 Sidley Austin Brown & Wood  
14 172 Eye Street, N.W.  
15 Washington, DC 20006

16 By \_\_\_\_\_ /s/  
17 Cindy A. Cohn, Esq. (SBN.145997)  
18 ELECTRONIC FRONTIER FOUNDATION  
19 454 Shotwell Street  
20 San Francisco, CA 94110  
21 Telephone: (415) 436-9333 x108  
22 Facsimile: (415) 436-9993  
23 cindy@eff.org

24 I, Cindy A. Cohn, am the ECF User whose ID and password are being used to file the  
25 foregoing document. In compliance with General Order 45, X.B., I hereby attest that Michael M.  
26 Markman has concurred in this filing.

27 DATED: June 6, 2006

28 \_\_\_\_\_ /s/  
Cindy A. Cohn