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 12

13 UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 TASH HEPTING, GREGORY HICKS, )  
 CAROLYN JEWEL and ERIK KNUTZEN, on )  
 17 Behalf of Themselves and All Others Similarly )  
 Situated, )  
 18 )  
 Plaintiffs, )  
 19 )  
 v. )  
 20 )  
 AT&T CORP., et al., )  
 21 )  
 Defendants. )  
 22 )

No. C-06-0672-VRW  
**CLASS ACTION**  
**DECLARATION OF MICHAEL M. MARKMAN IN SUPPORT OF ADMINISTRATIVE MOTIONS TO EXTEND PAGE LIMIT FOR OPPOSITION TO UNITED STATES' MOTION TO DISMISS AND TO LODGE DOCUMENTS WITH THE COURT (N.D. CAL. CIVIL LOCAL RULES 7-11, 79-5).**  
 Courtroom: 6, 17th Floor  
 Judge: The Hon. Vaughn R. Walker, Chief Judge

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I, Michael M. Markman, hereby declare:

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

2. During the week of May 27, 2006, I spoke by telephone with Anthony J. Coppolino, Special Litigation Counsel for the United States, and requested that the government agree to allow Plaintiffs to file an opposition to the Motion to Dismiss Or, in the Alternative, for Summary Judgment of the United States of up to 60 pages. On June 5, 2006, I received a telephone message from Mr. Coppolino stating that the United States did not object to Plaintiffs' request.

3. AT&T has maintained that information discussed in Plaintiffs' Opposition is trade secret information. Plaintiffs anticipate that Plaintiffs will meet and confer in an attempt to come to agreement on a protective order for documents in this case, however, to date, no agreement has been reached.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 8th day of June, 2006, at San Francisco, California.

/s/  
\_\_\_\_\_  
Michael M. Markman

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 8, 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:

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