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11 [*Additional Counsel on Signature Page*]

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18 JOY NWABUEZE, individually and on  
 behalf of a class of similarly situated  
 19 individuals,

20 Plaintiff,

21 vs.

22 PACIFIC BELL TELEPHONE COMPANY  
 d/b/a AT&T CALIFORNIA, a California  
 23 corporation; AT&T SERVICES, INC., a  
 Delaware corporation; AT&T  
 24 OPERATIONS, INC., a Delaware  
 corporation; and DOES 1 through 21,

25 Defendants.

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 PACIFIC BELL TELEPHONE  
 COMPANY,  
 AT&T SERVICES, INC. and  
 AT&T OPERATIONS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Case No. CV 09-01529 SI

STIPULATION AND [~~Proposed~~]  
ORDER REGARDING  
MODIFICATION OF SETTLEMENT IN  
RESPONSE TO FTC AND DOJ  
COMMENTS

Judge: Hon. Susan Illston

1           WHEREAS, on December 28, 2012, the Parties<sup>1</sup> entered into a Settlement Stipulation  
2 and Agreement, as corrected by the Notice of Errata Re: Stipulation and Settlement  
3 Agreement (Doc#156), filed on January 11, 2013 (the “Settlement Agreement”).

4           WHEREAS, the Federal Trade Commission (“FTC”) and United States Department of  
5 Justice (“DOJ”) have contacted the Parties regarding certain components of the settlement;

6           WHEREAS, the FTC, the DOJ and the Parties have had several discussions regarding  
7 the issues raised by the FTC and DOJ, and while it is the position of the Parties that the  
8 Settlement Agreement, without further change, is appropriate, and that the FTC and DOJ lack  
9 Article III and Rule 23 standing to appear and/or file objections in this case, the Parties have  
10 agreed to amend the Settlement Agreement as set forth in this Stipulation in response to a  
11 number of the agencies’ comments and to submit a revised proposed Final Order reflecting  
12 and implementing these amendments which are in favor of the Settlement Class;

13           WHEREAS, by agreeing to amend the Settlement Agreement as set forth in this  
14 Stipulation, the Parties do not suggest that these amendments will obviate the concerns of the  
15 FTC and DOJ; rather, the Parties presently understand that the FTC and DOJ may nonetheless  
16 decide to object to this settlement and, if that occurs, the Parties intend to oppose any such  
17 objections;

18           NOW THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

19           1. The Parties have agreed to augment the Informational Bulletin provided to Current  
20 AT&T ILEC Customers to alert them to the Notice of Settlement. Therefore, Section VII.B.  
21 **Bill Notice to Current AT&T ILEC Customers** is voided and replaced by the following  
22 provision (redlined for ease of reference):

23                   Beginning no later than thirty (30) days after the Notice  
24 Commencement Date for two consecutive months AT&T shall (1) print on  
25 each billing envelope that is sent to an AT&T ILEC Customer (“billing  
26 envelope”) the words “Important Notice regarding Third-Party Charges,  
including how to seek a refund if unauthorized” .25 to .50 inches above the  
address window on the front of the envelope in blue or orange lettering with a  
13 pt. Clearview font; and (2) for customers who are sent bills in electronic

27 \_\_\_\_\_  
28 <sup>1</sup> Capitalized terms used in this Stipulation, unless otherwise defined, shall have the meanings  
set forth in the Settlement Agreement.

1 format AT&T shall provide this same statement on the first page of each  
2 electronic bill (“ebill”) that is transmitted. AT&T shall include enclosures in  
these billing envelopes and a link on these ebills as follows:

3 All Current Customers will receive an Informational Bulletin about  
4 Third-Party billing which shall include a statement of AT&T end-user rights  
in the form and substance as then applicable for Third-Party billing provided  
to current customers.

5 In addition, the May 2013 and June 2013 billing statements of Current  
6 Customers will contain the following Notice:

7 **NOTICE OF SETTLEMENT**

8 If your postal mailed bill envelope contains a yellow Class Action  
9 Settlement Notice, or if your e-bill contains an insert entitled “Third-Party  
10 Billing Class Action - Notice & Forms”, that means that AT&T’s records  
11 indicate that in the past you were charged for Third Party Charges that are the  
subject of a Class Action Settlement. You should read the Notice carefully to  
find out about obtaining a settlement payment if you did not authorize the  
charges. If you have any questions about the Settlement, go to  
www.ATTthirdpartybillingsettlement.com, email  
info@ATTthirdpartybillingsettlement.com, or call 1.866.242.0603.

12 In addition to the ~~Informational Bulletin~~ information described above,  
13 all Settlement Class Members who can be identified through the Settlement  
Class Member List Process, and who are Current Customers, will receive a  
14 Notice of Settlement, a Billing Summary Request Form and a Claim Form for  
each separately billed BTN as to which the Class Member is receiving notice  
15 as a Current Customer. Such Notice of Settlement shall be on paper of a  
different color from any other paper in the envelope and shall be in the form  
and substance of Exhibit 8 hereto.

16 2. The Parties have further agreed to change and simplify the Claim Form Review  
17 process for submitting and challenging claims so that Settlement Class Members are not  
18 required to provide two separate submissions to successfully rebut a challenge that is based  
19 solely on a form proof of authorization or third party verification. Instead, the Settlement  
20 Class Member will now verify the Claim Form under penalty of perjury to the best of his or  
21 her knowledge and belief in the first instance and challenges based solely upon a letter of  
22 authorization or third party verification will not be allowed. Further, all challenges must be  
23 supported under the same penalty of perjury verification as required for the Claim and all  
24 records regarding the specific charges at issue must be provided to both the Claimant and  
25 Class Counsel. The Parties have agreed to make it clearer that Class Counsel will assist in any  
26 challenge unless the Settlement Class Member refuses such assistance.

27 3. Accordingly, Section VIII.C. **Claim Form Completion and Submission**

1 **Requirements** is voided and replaced by the following provision (redlined for ease of  
2 reference):

3 The Claim Form shall provide the Settlement Class Member with the  
4 ability to apply for a credit or refund of all Net TPCs paid by identifying from  
5 the Billing Summary, or through other documentation provided by the  
6 Claimant, the charges that are claimed to have been unauthorized.

7 To obtain a refund or credit under this Agreement, a Claim Form must  
8 be timely submitted and signed by the Settlement Class Member ~~certifying~~  
9 ~~that~~ verifying under penalty of perjury that, to the best of the Settlement Class  
10 Member's knowledge and belief the Settlement Class Member paid for a TPC  
11 that appeared on the customer's AT&T ILEC bill between January 1, 2005  
12 and the date of Preliminary Approval and that: (1) the TPC was placed on the  
13 bill without authorization; or (2) the authorization for the charge was obtained  
14 through deceptive or misleading practices. Settlement Class Members must  
15 also ~~certify~~ verify under penalty of perjury that, to ~~their~~ the best of the  
16 Settlement Class Member's knowledge and belief, they: (1) have not been  
17 previously reimbursed for such charge(s); and (2) have not otherwise legally  
18 resolved any dispute regarding such charge(s). Each Settlement Class  
19 Member completing the Claim Form shall set forth the Settlement Class  
20 Member's current legal name, the name the Settlement Class member used for  
21 the AT&T billing account at issue (if different), the Settlement Class  
22 Member's current mailing address; the 10-digit telephone number(s) on which  
23 the charges(s) subject to their Claim appeared and for Current Customers  
24 (and, if known, for Former Customers) the Settlement Class Member's Billing  
25 Telephone Account Number.

26 4. Likewise, the second and third paragraphs in Section VIII.D.1., **Settlement**  
27 **Administrator Review**, are voided and replaced by the following provision (redlined for ease  
28 of reference):

18 All challenges must be made within one hundred twenty (120) days  
19 after the Claim Forms have been provided by the Settlement Administrator to  
20 AT&T and the relevant Clearinghouse(s). If no challenge is made within one  
21 hundred and twenty (120) days, the claim will be deemed valid. Timely  
22 challenges must include the evidence relied upon (e.g., service agreement,  
23 Letter of Authorization, Third-Party Verification, proof of use of service,  
24 payment and/or adjustment records, etc.). All challenges must be  
25 accompanied by a statement under penalty of perjury that, after good faith  
26 investigation, to the best of the challenger's knowledge and belief, there was a  
27 true and affirmative authorization of the claimed charges by the Claimant and  
28 that all records related to the charges at issue, including but not limited to any  
communications with the Claimant, have been submitted with the challenge.

18 If the challenge is timely made, the Settlement Administrator will  
19 within five (5) days of receipt of the challenge, forward a copy of the challenge  
20 and all supporting evidence to the Settlement Class Member and to Class  
21 Counsel, informing the Settlement Class Member of the right to respond to the  
22 challenge. (The Parties shall agree on the form for such notice of a challenge  
23 and shall agree on the form to be used by the Settlement Class Member for a  
24 response to such challenge prior to the Notice Commencement Date. Any  
25 impasse over the notice and/or form to be used shall be submitted to the Hon.  
26 Wayne D. Brazil (Ret.) for final ruling.) ~~The Settlement Class Member will be~~

1 ~~informed that the response to the challenge (including any evidence the~~  
2 ~~Settlement Class Member would like to submit) must be made under penalty of~~  
3 ~~perjury. (The Parties shall agree on the form to be used by the Settlement~~  
4 ~~Class Member for a response to the challenge prior to the Notice~~  
5 ~~Commencement Date. Any impasse over the form to be used shall be~~  
6 ~~submitted to the Hon. Wayne D. Brazil (Ret.) for final ruling.) If requested by~~  
7 ~~the Class Member, Class Counsel shall assist the Class Member in responding~~  
8 ~~to any Challenge.~~ Claimants may rebut challenges with evidence and/or further  
9 sworn testimony relating to the basis of any challenge, including by showing  
10 that the Third Party Charges at issue were not knowingly authorized and, if  
11 challenged on the basis of usage, that such usage was not intentional. Class  
12 Counsel will represent Claimants in the challenge and rebuttal process, unless  
13 such Claimants affirmatively refuse such representation or fail to cooperate  
14 with Class Counsel after verifiable good faith efforts by Class Counsel to  
15 represent them. If no response from the Settlement Class Member Claimant is  
16 received by the Settlement Administrator within sixty (60) days after the  
17 challenge was mailed to the Settlement Class Member and Class Counsel, the  
18 claim will be denied.

19 In addition, Section VIII.D.1.b. is voided and replaced by the following provision:

20 No challenge may be asserted based solely upon evidence of an LOA or  
21 a TPV.

22 5. The Parties have agreed to provide Settlement Class Members with a more detailed  
23 description of the parties being released on the Settlement Website. Thus, the following  
24 paragraph is added to the end of existing Section VII.F., **Settlement Website**:

25 The Final Settlement Website shall also provide a section describing the  
26 Release and Released Parties which shall reference the applicable sections of  
27 the Settlement Agreement and shall also contain lists of Clearinghouses and  
28 Third-Parties included in the Release, as well as the list of entities and/or  
individuals that are specifically excluded from the definition of Released  
Parties and who shall not be protected by the Release.

1 (6. The Parties have agreed to modify the various notices and Claim Form to reflect the  
2 above-referenced changes as well as to address a few additional requests, such as to place  
3 more emphasis on the impact on future rights by not opting out, and removing AT&T from the  
4 same line as the Court when informing the class member not to contact the Court (all changes  
5 are redlined for ease of reference in the attached exhibits but will not be redlined when  
6 distributed) as follows:

7 (1) The Claim Form shall be amended as reflected in Exhibit 1 hereto;

8 (2) The Publication Notice shall be amended as reflected in Exhibit 2 hereto, with

1 the exception of the first publication in the Parade Magazine regional  
2 publication in the states of Indiana, Ohio, Michigan Wisconsin, and Illinois on  
3 April 7, 2013, as the changes were not agreed upon in sufficient time for  
4 inclusion in that publication, thus the original notice shall be used for the April  
5 7, 2013 Parade Magazine publication only;

6 (3) The Notice of Settlement (Notice to Current AT&T ILEC Customers) shall be  
7 amended as reflected in Exhibit 3 hereto;

8 (4) The Postcard Notice (Notice to Former AT&T ILEC Customers) shall be  
9 amended as reflected in Exhibit 4 hereto. The postcard has been modified  
10 substantially to make it simpler and clearer. The revised postcard was not  
11 redlined as the number of text rearrangements made the redline difficult to  
12 read;

13 (5) The Email Notice shall be amended as reflected in Exhibit 5 hereto;

14 7. The Final Website Notice and website content has not been included here, as the  
15 Parties are still working to finalize changes consistent with those made to all the other forms  
16 of notice, and such changes will be incorporated before the website launch on Monday,  
17 April 1, 2013.

18 8. The Parties shall file a revised proposed Final Order with the Court reflecting and  
19 implementing the above amendments to the Settlement Agreement in advance of the Final  
20 Approval Hearing set for November 1, 2013, and request that the Court enter that order at the  
21 Final Approval Hearing.

22 Dated: March 29, 2013

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ROXANE A. POLIDORA

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DOUGLAS R. TRIBBLE  
CONNIE J. WOLFE

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By /s/ Roxane A. Polidora

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Roxane A. Polidora

Attorneys for Defendants

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PACIFIC BELL TELEPHONE COMPANY, AT&T  
SERVICES, INC., and AT&T OPERATIONS, INC.

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1 Dated: March 29, 2013

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JOHN G. JACOBS  
BRYAN G. KOLTON

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By /s/ John G. Jacobs

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Class Counsel

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**ATTESTATION OF SIGNATURE**

**(N.D. Cal. General Order 45)**

I, Roxane A. Polidora, hereby attest that concurrence in the filing of this document entitled STIPULATION AND [Proposed] ORDER REGARDING MODIFICATION OF SETTLEMENT IN RESPONSE TO FTC AND DOJ COMMENTS has been obtained from all of the signatories.

Dated: March 29, 2013

By /s/ Roxane A. Polidora  
Roxane A. Polidora

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED. The Settlement Stipulation and Agreement, dated December 29, 2013, as corrected by the Notice of Errata Re: Stipulation and Settlement Agreement (Doc#156), filed on January 11, 2013, shall be further amended as set forth in the Stipulation above. Parties shall file a revised proposed Final Order reflecting the modifications at least fourteen (14) days prior to the Final Approval Hearing, which is currently scheduled for November 1, 2013.

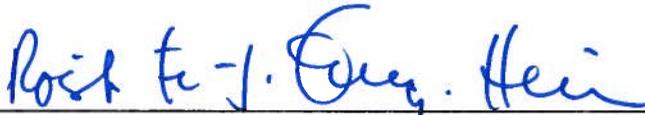
Date: 4/1/13 \_\_\_\_\_



\_\_\_\_\_  
The Honorable Susan Illston  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2013, a true and correct copy of **STIPULATION AND [Proposed] ORDER REGARDING MODIFICATION OF SETTLEMENT IN RESPONSE TO FTC AND DOJ COMMENTS** was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants in this case.

  
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Rosita Fe J. Quinpo

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**STIPULATION**

# **EXHIBIT**

**1**

***Nwabueze, et al. v. AT&T, Inc., et al., Case No. 09-cv-1529 SI***

**SETTLEMENT CLAIM FORM**

TO RECEIVE A **REFUND** **PAYMENT** OR CREDIT AS PART OF THIS SETTLEMENT, YOU MUST COMPLETE THIS FORM AND ELECTRONICALLY SUBMIT OR MAIL IT TO THE SETTLEMENT ADMINISTRATOR **NO LATER THAN DECEMBER 2, 2013** OR 30 DAYS AFTER YOU ARE PROVIDED WITH A TIMELY REQUESTED BILLING SUMMARY, WHICHEVER IS LATER.

**INSTRUCTIONS:** This settlement relates to alleged unauthorized third-party charges placed on AT&T landline customers' telephone bills. To be eligible to participate in the benefits of the settlement, you must complete and submit either a paper or electronic Claim Form. In order to file a Claim Form, you must include with it either a Billing Summary that AT&T will provide to you free of charge (see next paragraph, below) or you must supply your own documentation of the amount you claim you were improperly charged. If you provide incomplete, incorrect, or inaccurate information, your claim may be denied. If you need more space to provide the information you may attach a separate sheet of paper with that information.

**IMPORTANT NOTICE:** In order to assist you in completing this Claim Form you may request, at no cost, a Billing Summary from AT&T setting forth each third-party charge (and credit, if any) that was placed on your AT&T landline bill from January 1, 2005 through January 14, 2013 as identified from a search of reasonably available AT&T billing information. To obtain your free Billing Summary, submit a Billing Summary Request to the Settlement Administrator at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), call 1-800866-242-0603, or email it to [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com) so that it is received or postmarked **no later than December 2, 2013**. If you do not already have a Billing Summary Request form, you may obtain one from the Settlement Administrator, Garden City Group, at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), 1-800866-242-0603 or by email at [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com).

**DO NOT CALL ~~AT&T OR~~ THE COURT WITH ANY QUESTIONS OR REQUESTS. Call only the Settlement Administrator or Class Counsel.**

**I. Claim Information**

**Please review the statements below, and check the boxes only if the statements apply to you. If you cannot check all four of the boxes, do not submit the Claim Form because you are not a qualified claimant.**

I paid for a third party charge that appeared on my AT&T landline telephone bill between January 1, 2005 and January 14, 2013; and

Either (1) the third party charge was placed on my bill without authorization; or (2) authorization for the charge was obtained through deceptive or misleading marketing practices; and

I have not been previously ~~been~~ reimbursed for the third party charge or otherwise legally resolved any dispute regarding such charge (for example, in connection with another claims settlement such as this one); and

The total amount of charges for which I am making a claim is \$\_\_\_\_\_. The charges I am claiming are highlighted or circled on the attached/enclosed Third-Party Charge Billing Summary I received from AT&T; **or** I have attached/enclosed other documentation of the third-party charges I am claiming identifying date(s), amount(s) and the third-party (or parties) who placed the charge(s) on my bill.

I ~~HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE~~ that ~~HEREBY VERIFY UNDER PENALTY OF PERJURY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF,~~ the information provided in Section I above is true and correct and that I paid the above third party charges on my AT&T telephone bill but I did not authorize the charges or my authorization was obtained through deceptive or misleading marketing practices:

Signature \_\_\_\_\_ Date \_\_\_\_\_

**II. Payment and Verification Information.** The following information **must be provided** for verification and payment:

Your Full Current Legal Name: \_\_\_\_\_

Your Current Mailing Address: \_\_\_\_\_  
*Street City State Zip Code*

Your Current Contact Phone Number(s): \_\_\_\_\_

Current e-mail address: \_\_\_\_\_

Billing Telephone Account Number ("BTN") for each AT&T landline account for which you are submitting a claim (**Note:** This is not simply your telephone number, it is the 13 digit number located at the top of the first page of your AT&T landline telephone bill. The BTN is also printed on the Billing Summary and on the Postcard Notice provided to former customers): (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_, (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_;

Name(s) used for AT&T landline account(s) as set forth on the AT&T bills at the time of the charge(s) subject to this claim (if different than above). This information is also printed on the Billing Summary: \_\_\_\_\_

Billing Address(es) used for AT&T landline account(s) as set forth on the AT&T bills at the time of the charge(s) subject to this claim (if different than above). This information is also printed on the Billing Summary:

\_\_\_\_\_  
*Street City State Zip Code*

AT&T landline 10-digit Telephone Number(s) with third party charges for which you are submitting a claim. This information is also printed on the Billing Summary: (\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_  
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\_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_.

### III. Returned Mail and Uncashed Checks

If there is a problem with your address and your **refund settlement payment** check cannot be distributed to you or if you are sent a check but fail to cash it within the required 120 day period, you have the option of designating that the proceeds of your check be paid to the charity listed below. If you do not select this option, you agree by your signature above that any returned and/or un-cashed check will be paid to the state you identified above in your current address.

I hereby instruct the Settlement Administrator that should I be issued a **refund settlement payment** check and the check is returned to the Settlement Administrator due to an incorrect or old address and a correct or forwarding address is not available through the National Change of Address database maintained by the United States Postal Service; or should I be issued a **refund settlement payment** check and the check remains un-cashed one hundred and twenty (120) days after issuance, then the Settlement Administrator shall cancel my check and pay the amount stated in the check to Consumers Union.

**Important information:** All claims are subject to review. The Settlement Administrator will notify you if your claim is invalid, challenged or rejected and you will be provided the opportunity to respond. In the event of a challenge, Class Counsel will ~~be available to assist represent~~ you ~~in any challenge~~, free of charge if, unless you ~~so~~ request that they do not. Further details regarding the Claim Form review process can be found at Section VIII D of the Settlement Agreement, available on the settlement website (~~insert website address~~) [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com). It is your responsibility to keep the Settlement Administrator informed of your correct and current mailing or email address. If you fail to do so, you may not receive payment. If you have any questions, additional information can be found at the website [www.settlementATTthirdpartybillingsettlement.com](http://www.settlementATTthirdpartybillingsettlement.com) or by calling the Settlement Administrator at ~~(800) xxx-xxx~~ [1-866-242-0603](tel:1-866-242-0603).

**FAILURE TO FILL OUT THE CLAIM FORM COMPLETELY MAY RESULT IN THE REJECTION OF YOUR CLAIM.**

**NO PAYMENTS WILL BE MADE AVAILABLE UNTIL AFTER FINAL APPROVAL OF THE SETTLEMENT BY THE COURT, INCLUDING AFTER ANY APPEALS ARE RESOLVED. THE PROCESS MAY TAKE TIME. PLEASE BE PATIENT.**

COMPLETE AND SUBMIT THIS FORM ONLINE AT ~~[insert website]~~ [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com) OR MAIL TO:

Garden City Group

~~AT&T THIRD PARTY CHARGE SETTLEMENT ADMINISTRATOR~~

Nwabueze v. AT&T Inc. c/o GCG

~~P.O. BOX, CITY, STATE, ZIP~~

PO Box 35045, Seattle, WA 98124

**DEADLINE FOR ELECTRONIC SUBMISSION OR POSTMARK IS December 2, 2013 OR 30 DAYS AFTER YOU ARE PROVIDED WITH A TIMELY-REQUESTED BILLING SUMMARY, WHICHEVER IS LATER. CLAIMS SUBMITTED LATE WILL NOT BE PAID.**

**STIPULATION**

**EXHIBIT**

**2**

*A federal court authorized this Notice. Read this Notice carefully. Your legal rights may be affected.*

# If You Were Billed for Third-Party Charges On Your AT&T Landline Telephone Bill **Between From** January 1, 2005 **and through** January 14, 2013 that You Did Not Authorize You May Be Entitled to a Payment From A Class Action Settlement.

*Para Una Notificacion en Español, Se Puede Visitar*

[www.AT&TXXXXXXXXATthirdpartybillingsettlement.com/Español/Espanol](http://www.AT&TXXXXXXXXATthirdpartybillingsettlement.com/Español/Espanol)

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Nwabueze, et al v. AT&T, et al., Case No. 09-ev-~~Number~~ CA 1529 SI (U.S. Dist. Court, ND. California)*

A Settlement has been preliminarily approved by the Court in a class action lawsuit against AT&T alleging that third-party companies placed unauthorized charges on AT&T's landline telephone bills (known as "cramming"), in violation of federal and state law. AT&T denies any wrongdoing. Both sides agreed to settle the lawsuit to avoid the cost, delay, risks, and uncertainty of litigation.

**ALERT:** If you don't want to be legally bound by the settlement, you must exclude yourself by September 2, 2013, or you won't be able to sue, or continue to sue, AT&T or any other Released Parties about the claims in this case [for a description of Released Parties, go to [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com)]. If you exclude yourself, you cannot receive a payment under this settlement.

**WHAT DOES THE SETTLEMENT PROVIDE?** The Settlement calls for payments pursuant to a claims approval process to Settlement Class Members who assert they paid for Third-Party Charges placed on their AT&T landline telephone bills they did not authorize.

**WHAT ARE "THIRD-PARTY CHARGES"?** Third-party Charges are charges that customers could authorize be billed on their AT&T telephone bill for products or services offered by third-party companies (i.e., companies not affiliated with AT&T). Examples of the types of products and services are: voicemail, email, fax, web page services (design, hosting or marketing), yellow page services, diet plans, identity protection and others.

**WHAT ARE "UNAUTHORIZED THIRD-PARTY CHARGES"?** Unauthorized Third-Party Charges are Third-Party Charges placed on a customer's AT&T landline bill without the customer's knowing authorization.

**How Do I SEEK A PAYMENT?** To receive a payment, you must submit a Claim Form by **December 2, 2013** or 30 days after you receive a Billing Summary in response to a timely request, whichever is later. Settlement Class Members can apply through a claims approval process for the **full** amount (i.e., **100%**) of all Third-Party Charges paid on their AT&T phone bills between January 1, 2005 and January 14, 2013 (the "Class Period") that the Class Member asserts were not authorized and have not been previously reimbursed. Claim Forms may be submitted online at [www.ATTthirdpartybillingsettlementAT&TXXXXX.com](http://www.ATTthirdpartybillingsettlementAT&TXXXXX.com), mailed to the Settlement Administrator at the address below, or emailed to [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com) @ .com.

To request a Billing Summary and a Claim Form, contact the Settlement Administrator at 1-866-242-0603800, via email at [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com) @ or go to [www.ATTthirdpartybillingsettlementAT&TXXXXXXXXX.com](http://www.ATTthirdpartybillingsettlementAT&TXXXXXXXXX.com) and print one out.

**How MUCH Will My Payment Be?** It depends on the amount, if any, of unauthorized ~~third-party~~ **Third-Party Charges** charges that you paid. If you make a claim that is approved, you will receive the full amount of all unauthorized Third-Party Charges you paid during the Class Period that have not already been refunded. While the size of payment to which individual customers could be entitled is likely to vary considerably, class counsel contend that some class members may have claims of hundreds of dollars or more.

**YOU CAN GET A FREE SUMMARY OF ALL YOUR THIRD-PARTY CHARGES.** You may have been billed for ~~third-party charges~~ **Third-Party Charges** over a period of months without having noticed it. To help

you determine if you were billed for Third-Party Charges you did not authorize during the Class Period, you can request a free summary of all Third-Party Charges billed to you as identified from a search of reasonably available AT&T billing information by submitting a Billing Summary Request to the Settlement Administrator. You can obtain a Billing Summary Request form by calling 1-866-242-0603800-xxx-xxx, via email at [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com) @ .com or at [www.ATTthirdpartybillingsettlementAT&TXXXXXXXXX.com](http://www.ATTthirdpartybillingsettlementAT&TXXXXXXXXX.com).

**WHO IS IN THE SETTLEMENT CLASS?** You are in the Settlement Class if you are a current or former AT&T ILEC landline customer who, at any time from January 1, 2005, through January 14, 2013, had a Third-Party charge placed on your AT&T ILEC telephone bill through a Clearinghouse. Excluded from the Settlement Class are any judicial officer to whom the Action is assigned and the United States government and any State government or instrumentality thereof. [AT&T ILEC means an AT&T-affiliated incumbent local exchange carrier, such as Pacific Bell Telephone Company, d/b/a AT&T California, Illinois Bell Telephone Company, d/b/a AT&T Illinois, etc.]

**WHAT ARE MY OTHER OPTIONS?** To **exclude** yourself from the lawsuit, you must mail a signed, written request to be excluded from *Nwabueze v. AT&T*, with your name, address, and phone number, to the Settlement Administrator received or postmarked by September 2, 2013. Requests for exclusion cannot be made online or by email. You must send your request for exclusion to:

[Nwabueze v. AT&T Inc.  
c/o GCG  
P.O. Box 35045  
Seattle, WA 98124](mailto:Nwabueze.v.AT&T.Inc.c/o.GCG.P.O.Box.35045.Seattle.WA.98124)

**SETTLEMENT ADMINISTRATOR  
ADDRESS  
ADDRESS**

Unless you exclude yourself, you will be in the Class, and if the Settlement is approved, will be bound by it, and release claims against Released ~~Persons~~ **Parties**, as defined in the Settlement Agreement. You may go to [www.ATTthirdpartybillingsettlementAT&TXXXXXXXXX.com](http://www.ATTthirdpartybillingsettlementAT&TXXXXXXXXX.com) for a full description of the Release in this case and for a listing of other known existing litigation by or on behalf of AT&T customers that include claims covered by the Release. If you do not exclude yourself, you or your lawyer have the right to object to or comment on the Settlement, Class Counsel's request for attorneys' fees and expenses and/or incentive awards, by mailing objections, in writing, to: Class Counsel, John G. Jacobs at 55 West Monroe Street, Suite 2970, Chicago, IL 60603, and AT&T's Counsel, Douglas R. Tribble, 501 West Broadway, Suite 1100, San Diego, CA 92101, and filing the same with the Clerk of the Court at 450 Golden Gate Avenue, **16th Floor**, San Francisco, CA 94102 by September 2, ~~2012~~ **2013**. The Court has preliminarily approved the settlement. The Court will hold a Final Approval Hearing on November 1, 2013, at 9:00 a.m. at 450 Golden Gate Avenue, Courtroom 10, 19<sup>th</sup> Floor, San Francisco, CA 94102 to decide whether the Settlement should be finally approved as fair, reasonable and adequate and in the best interests of the

Class and whether to approve Class Counsel's request for attorneys' fees and expenses and class ~~representative~~ representatives' incentive awards. The hearing may be changed to a different date or time without notice. You do not need to attend the hearing unless you wish to object in person. You may not appear at the hearing unless you timely file a written notice of objection and intent to appear.

**DO I HAVE A LAWYER REPRESENTING ME IN THIS LAWSUIT?** The Court appointed lawyers from five law firms to act as Class Counsel for the Settlement Class, whose information is at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com). Class Counsel will ask the Court to approve payment of up to \$5,500,000 for attorneys' fees and expenses and payment of \$5,000 each to Joy Nwabueze and Amelia Terry, for their services as Class Representatives. The Settlement Class will not be required to pay any portion of the fees and expenses and incentive awards awarded by the Court, which will be paid by AT&T, and will not reduce the benefits to the Settlement Class. You may hire your own attorney at your own cost, if you wish, who may enter an appearance on your behalf, if you timely file a written notice of objection.



This notice is only a summary. For more information on the Settlement, please read the detailed Notice and Claim Filing Instructions at [www.ATTthirdpartybillingsettlementAT&Txxxxxxx.com](http://www.ATTthirdpartybillingsettlementAT&Txxxxxxx.com). If you scan the bar code on the left with your smartphone, it will take you to a website with more detailed information, plus a Claim Form and Billing ~~Request~~ Summary [Request](#) form, which you can submit online, or via email or mail. If you have questions, you can also call the Settlement Administrator, [Garden City Group](#), toll free at 1-866-242-0603~~800~~ or send an email to [info@ATTthirdpartybillingsettlementxxx.com](mailto:info@ATTthirdpartybillingsettlementxxx.com).

**STIPULATION**

**EXHIBIT**

**3**

## CLASS ACTION SETTLEMENT NOTICE

(Para ver este aviso en Español, se puede visitar [www.ATthirdpartybillingsettlement.com/Español/Espanol](http://www.ATthirdpartybillingsettlement.com/Español/Espanol).)

*A federal court authorized this Notice. Read this Notice carefully. Your legal rights may be affected.*

United States District Court for the Northern District of California

*Nwabueze et al v. AT&T et al., Class Action Case No. 09-cv-1529 SI*

### **You Received This Notice Because AT&T's Records Indicate You Have Been Billed for Third-Party Charges on Your AT&T Landline Telephone Bill between January 1, 2005 and January 14, 2013, and If You Did Not Authorize the Charges, You May Be Entitled to a Payment From this Class Action Settlement.**

A Settlement has been preliminarily approved by the Court in a class action lawsuit against AT&T alleging that third-party companies placed unauthorized charges on AT&T's landline customers' telephone bills (a practice known as "cramming"), in violation of federal and state law. AT&T denies any wrongdoing. Both sides have agreed to settle the lawsuit in order to avoid the cost, delay, and uncertainty of litigation. The Settlement calls for payments pursuant to a claims approval process to Settlement Class Members who assert they paid for Third-Party Charges placed on their AT&T landline telephone bills they did not authorize.

**ALERT:** If you don't want to be legally bound by the settlement, you must exclude yourself by September 2, 2013, or you won't be able to sue, or continue to sue, AT&T or any other Released Parties about the claims in this case [for a description of Released Parties, go to [www.ATthirdpartybillingsettlement.com](http://www.ATthirdpartybillingsettlement.com)]. If you exclude yourself, you cannot receive a payment under this settlement.

**What are "Third-Party Charges"?** Third-Party Charges are charges that customers like you could authorize to be billed on your AT&T landline telephone bill for products or services provided by third-party companies (i.e., companies not affiliated with AT&T). Examples of the types of products and services are: voicemail, email, fax, web page services (design, hosting or marketing), yellow page services, diet plans, identity protection and others. To see a non-exhaustive list of Third Parties who may have placed such charges, go to [www.ATthirdpartybillingsettlement.com](http://www.ATthirdpartybillingsettlement.com) and click on the "Important Documents" tab.

**What are "Unauthorized Third-Party Charges"?** Unauthorized Third-Party Charges are Third-Party Charges placed on a customer's AT&T landline bill without the customer's knowing authorization.

**NOTE TO AT&T CONNECTICUT CUSTOMERS:** All current landline telephone customers of The Southern New England Telephone Company, d/b/a AT&T Connecticut received this Notice whether or not you have ever been billed a Third-Party Charge. Unless you were billed a Third-Party Charge during the Class Period you are not a Settlement Class Member and not part of this Settlement. To determine if you are a Class Member and are entitled to participate in this Settlement call this toll free number [1-866-242-0603](tel:1-866-242-0603).

**How much could your payment be?** That depends on the amount of unauthorized Third-Party Charges, if any, you paid that have not already been reimbursed. While the size of payment to which individual customers could be entitled is likely to vary considerably, **class counsel contend that some class members may have claims of hundreds of dollars or more.** If you file a Claim that is approved, you will receive the **full amount (i.e., 100%)** of all Third-Party Charges you paid between January 1, 2005 and January 14, 2013 (the "Class Period") that you assert were not authorized and were not previously reimbursed. If you have not retained or do not otherwise have access to your prior AT&T landline bills, it may not be possible for you to determine if you were billed for Third-Party Charges you did not authorize. Therefore, as described below, at your request AT&T will provide you, **free of charge**, as part of this Settlement a Billing Summary, showing all Third-Party Charges that appeared on your AT&T landline bill during the Class Period as identified from a search of reasonably available AT&T billing information. A Billing Summary Request Form is enclosed. To apply for payment under this Settlement, you must complete and submit the Claim Form enclosed with this Notice. Additional Claim Forms and additional

**Questions or to obtain an additional Claim Form or Billing Summary Request form: Visit [www.ATthirdpartybillingsettlement.com](http://www.ATthirdpartybillingsettlement.com), call 1-800- toll free or send an email to [xxx@xxx.com](mailto:xxx@xxx.com).**

Billing Summary Requests are available from the Settlement Administrator at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), 1-800866-242-0603, or by email at [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com). You can file a claim online or by email or mail. In the Claim Form, you must state, among other things, that you paid Third-Party Charges that you did not knowingly authorize and that you were not previously reimbursed for such charges.

**You can get a free Billing Summary of all your Third-Party Charges.** You may have been billed for third-party charges over a period of months without having noticed it. To help you determine if you were billed unauthorized Third-Party Charges during the Class Period, you can request a free **Billing Summary, listing all Third-Party Charges that appeared on your AT&T landline bill during the Class Period** as identified from a search of reasonably available AT&T billing information. To request a Billing Summary, you must complete and submit the Billing Summary Request enclosed with this Notice. Additional Billing Summary Request forms are available from the Settlement Administrator at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), 1-800866-242-0603, or by email at [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com). You can submit the Billing Summary Request online, by email or mail, or you may submit your request by telephone at 1-800866-242-0603. **To obtain a Billing Summary you must submit the Billing Summary Request no later than December 2, 2013.**

**Who is in the Settlement Class?** The Court certified a class for settlement purposes only consisting of: all present and former AT&T ILEC landline telephone customers in the United States who, at any time from January 1, 2005 through January 14, 2013 had a Third-Party Charge placed on the customer's AT&T ILEC landline telephone bill through a Clearinghouse. Excluded from the Settlement Class are any judicial officer to whom the Action is assigned and the U.S. government and any State government or instrumentality thereof. [AT&T ILEC means an AT&T-affiliated incumbent local exchange carrier, such as Pacific Bell Telephone Company, d/b/a AT&T California, Illinois Bell Telephone Company, d/b/a AT&T Illinois, etc.]

**Do you have a lawyer representing you in this lawsuit?** The Court appointed lawyers from five law firms to act as Class Counsel for the Settlement Class, whose information is at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com). Class Counsel will ask the Court to approve payment of up to \$5,500,000 for attorneys' fees and expenses for their efforts in achieving this Settlement and for their risk in undertaking their representation on a contingency basis and payment of \$5,000 each to Joy Nwabueze and Amelia Terry, for their services as Class Representatives. The Settlement Class will not be required to pay any portion of the fees and expenses and incentive awards awarded by the Court, which will be paid by AT&T. Payment of these items will not reduce the benefits available to the Settlement Class. You may hire your own attorney at your own cost if you wish, who may enter an appearance on your behalf. Class Counsel have extensively investigated and researched the claims and underlying facts at issue in the lawsuit and, after considering, among other things, the risks, uncertainties and delay attendant to protracted litigation and the substantial benefits available now through the proposed Settlement, believe that the proposed Settlement is fair, reasonable and adequate and in the best interests of the Settlement Class members.

**Questions or to obtain an additional Claim Form or Billing Summary Request form: Visit [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), call 1-800-242-0603 toll free or send an email to [xxx@xxx.com](mailto:xxx@xxx.com).**

**Your legal rights and options in this Settlement:**

<p><b>Submit a Claim Form</b></p>	<p>This is the only way to get a payment. You have the right as a member of the Settlement Class to apply pursuant to a claims approval process for the <b>full amount</b> (i.e., 100%) of all Third-Party Charges you paid between January 1, 2005 and January 14, 2013, that you assert were not authorized and for which you have not previously been reimbursed. To receive a settlement payment, you <u>must</u> submit a Claim Form by <b>December 2, 2013</b> or 30 days after you receive a Billing Summary in response to a timely request, whichever is later, and include either a Billing Summary provided by AT&amp;T as part of this settlement and identify on that summary any changes that you claim were not authorized <u>or</u> provide other supporting documents (e.g., copies of bills with identification of the charges you claim were not authorized). If you wish to obtain an additional Claim Form or Billing Summary Request Form, visit <a href="http://www.ATThirdPartyBillingSettlement.com">www.ATThirdPartyBillingSettlement.com</a>, call 1-800-866-242-0603 or email <a href="mailto:info@ATThirdPartyBillingSettlement.com">info@ATThirdPartyBillingSettlement.com</a>.</p>
<p><b>Exclude yourself</b></p>	<p>Get no payment, but do not give up right to sue Defendants or <b>related entities Released Parties</b>. <u>If you don't want to be legally bound by the settlement, you must exclude yourself by September 2, 2013, or you won't be able to sue, or continue to sue, AT&amp;T or any other Released Parties about the claims in this case [for a description of Released Parties, go to <a href="http://www.ATThirdPartyBillingSettlement.com">www.ATThirdPartyBillingSettlement.com</a>]. If you exclude yourself, you cannot receive a payment under this settlement.</u> To exclude yourself, you must mail a signed, written request to be excluded with your name, address, and phone number, to the Settlement Administrator <u>received or</u> postmarked by <b>September 2, 2013</b>. Unless you exclude yourself, you will be in the Settlement Class, and if the Settlement is approved, will be bound by it, and release claims against Released <b>Persons Parties</b>, as defined in the Settlement Agreement. You may go to <a href="http://www.ATThirdPartyBillingSettlement.com">www.ATThirdPartyBillingSettlement.com</a> for a full description of the Release in this case and a representative list of other lawsuits by or on behalf of AT&amp;T customers that include claims covered by the Release.</p>
<p><b>Comment or object</b></p>	<p>If you do not exclude yourself, you or your lawyer have the right to object to or comment on the Settlement, Class Counsel's request for attorneys' fees and expenses and/or incentive awards, by mailing objections, in writing, to: Class Counsel, John G. Jacobs at 55 West Monroe Street, Suite 2970, Chicago, IL 60603, and AT&amp;T's Counsel at Douglas R. Tribble, 501 West Broadway, Suite 1100, San Diego, California 92101 and filing the same with the Clerk of the Court at 450 Golden Gate Avenue, <del>Room xxx</del> <b>16<sup>th</sup> Floor</b>, San Francisco, California. 94102 by <b>September 2, 2013</b>. Objections must include the objector's name, address, phone number, a detailed statement of the objection, all factual and legal support for it, evidence supporting it, including evidence of the objector's membership in the Settlement Class, and the caption and case number appearing on the Settlement Class Notice. You will not be permitted to appear at the final approval hearing to present an objection unless you timely comply with the requirements listed above for objecting. You will also waive any rights you may have to appeal the Court's ruling on the Settlement or award of attorneys' fees unless you have filed a timely objection.</p>
<p><b>Go to the hearing</b></p>	<p>If you have filed a timely objection you may also ask to speak in Court about the settlement; however are not required to attend the hearing whether you filed an objection or not. The Court will hold a Final Approval Hearing on November 1, 2013 at 9:00 a.m. at the U.S. District Court, Northern District California, 450 Golden Gate Avenue, 19<sup>th</sup> Floor, Courtroom 10, San Francisco, California. 94102 to decide whether the Settlement should be approved as fair, reasonable and adequate and in the best interests of the Class and whether to approve Class Counsel's request for attorneys' fees and expenses and class representative incentive awards. The Court will be available to hear objections and arguments about the settlement. The hearing may be changed to a different date or time without notice. It is your responsibility to check the Court's calendar or the Settlement Website (<a href="http://www.ATThirdPartyBillingSettlement.com">www.ATThirdPartyBillingSettlement.com</a>) for any changes in the schedule.</p>
<p><b>Do nothing</b></p>	<p>Get no payment and give up your right to sue Defendants and <b>other parties Released Parties</b> with regard to the issues in this case.</p>

**Questions or to obtain an additional Claim Form or Billing Summary Request form: Visit [www.ATThirdPartyBillingSettlement.com](http://www.ATThirdPartyBillingSettlement.com), call 1-800-866-242-0603 toll free or send an email to [info@ATThirdPartyBillingSettlement.com](mailto:info@ATThirdPartyBillingSettlement.com).**

(Mod)



If you want more information about the Settlement and how to participate in the Settlement, please read the detailed Notice and Claim Filing Instructions at [www.AT&TXXXXXXXXATTthirdpartybillingsettlement.com](http://www.AT&TXXXXXXXXATTthirdpartybillingsettlement.com). If you scan the bar code on the left with your smartphone, it will take you to a website with more detailed information, ~~and includes~~ including the Claim Form and Billing Summary Request, which you can submit online, by email or postal mail.

**DO NOT CALL ~~AT&T OR~~ THE COURT WITH QUESTIONS ABOUT THIS NOTICE OR THE SETTLEMENT. CALL THE SETTLEMENT ADMINISTRATOR OR CLASS COUNSEL.** You can contact the Settlement Administrator, Garden City Group, at Nwabueze v. AT&T Third Party Charge Settlement Administrator Inc. c/o XXXGCC, P.O. PO Box XXX35045, {City}, {State}, {Zip} Seattle, WA 98124, or by email at XXXXinfo@XXXATTthirdpartybillingsettlement.com, or you may call toll free 1-800866-XXX-XXXX242-0603.

**Questions or to obtain an additional Claim Form or Billing Summary Request form: Visit [www.\\_\\_\\_\\_\\_.com](http://www._____.com), call 1-800-\_\_\_\_\_ toll free or send an email to [xxx@xxx.com](mailto:xxx@xxx.com).**

**STIPULATION**

**EXHIBIT**

**4**

**AT&T THIRD PARTY BILLING SETTLEMENT  
ADMINISTRATOR**

C/O Garden City Group ("GCG")  
Mwabuze v. AT&T, Case No. CV-09-1529 SI  
P.O. Box 35045  
Seattle, WA 98124

[postage]

This is only a summary; for complete details,  
GO TO: [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com)  
CALL: 1-866-242-0603  
EMAIL: [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com)

<<Name>>  
<<Address>>  
<<Address>>

*This is a Court-ordered Notice, read it carefully. Your legal rights may be affected. This is not a solicitation from a lawyer.*

**You Received This Notice Because AT&T's Records Indicate That You Have Been Billed For Third-Party Charges On An AT&T Landline Telephone Account Between January 1, 2005 And January 14, 2013, And If You Did Not Authorize Those Charges You May Be Entitled To A Payment From This Class Action Settlement.**



This notice is only a summary. If you scan this code with your smartphone, it will take you to a website with more detailed information, plus a claim form that you can submit online.

**BTIN: xxxxxxx**

(Para ver este aviso en Español, se puede visitar [www.ATThirdpartybillingsettlement.com/Espanol/](http://www.ATThirdpartybillingsettlement.com/Espanol/))

#### **CLASS ACTION SETTLEMENT NOTICE**

**What is the case about?** Plaintiffs have brought a class action lawsuit against AT&T alleging that unauthorized Third-Party Charges have been placed on AT&T customers' landline telephone bills ("cramming"), in violation of federal and state law. AT&T denies any wrongdoing. Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of litigation, and the Settlement has been preliminarily approved by the Court.

**Who is in the Settlement Class?** The Settlement Class is defined as: all present and former AT&T ILEC landline customers in the United States who, at any time from January 1, 2005 through January 14, 2013, had a Third-Party charge placed on the customer's AT&T ILEC landline telephone bill through a Clearinghouse. [AT&T ILEC means an AT&T-affiliated incumbent local exchange carrier, such as Pacific Bell Telephone Company, d/b/a AT&T California, etc.] Any judge handling the action, the U.S. and state governments and government agencies are excluded from the Settlement Class.

**What does the settlement provide?** You may apply for payment of 100% of all unauthorized Third-Party Charges you paid on your AT&T landline phone bills during the Class Period that have not already been reimbursed. Payment amounts may vary considerably among class members, but Class Counsel contend that some class members may have claims of hundreds of dollars or more.

#### **ALERT: YOUR LEGAL OPTIONS**

**Make a claim for payment:** First, look at your old bills or get a free summary of third-party charges by submitting a Billing Summary Request form to the Settlement Administrator ("GCG"), at the address below, by **December 2, 2013**. Second, submit a Claim Form to GCG by **December 2, 2013** or 30 days after you get your Billing Summary, if you timely requested one, whichever is later. You may use your **BTIN** (Billing Telephone Account Number) at the top of this card to request your free Billing Summary.

**Exclude yourself/out out:** If you don't want to be legally bound by the settlement, you must exclude yourself. To be excluded, you must mail a signed request to be excluded from *Nwabeze v. AT&T*, with your name, address, and phone number, to GCG (at the address below) received or postmarked by **September 2, 2013**. If you don't exclude yourself, you won't be able to sue, or continue to sue, AT&T or any other Released Parties about the claims in this case (for a description of Released Parties, go to [www.ATThirdpartybillingsettlement.com](http://www.ATThirdpartybillingsettlement.com)).

**Object:** If you do not opt out, you or your lawyer have the right to object to, or comment on, the settlement. Class Counsel's request for attorneys' fees & expenses (\$5,500,000) and/or incentive awards (\$10,000 total), which amounts do not reduce class member payments but are paid in addition by AT&T), by mailing your objection to: John G. Jacobs, 55 West Monroe, Suite 2970, Chicago, IL 60603, and Douglas R. Tribble, 501 West Broadway, San Diego, CA 92101 and filing it with the Clerk of the Court at 450 Golden Gate Avenue, San Francisco, CA 94102 by **September 2, 2013**.

**Appear in Court:** The Court has scheduled a Final Approval Hearing on November 1, 2013 at 9:00 a.m. at the U.S. District Court, Northern District California, 450 Golden Gate Ave., 19<sup>th</sup> Floor, Courtroom 10, San Francisco, CA 94102. You may appear at the hearing by yourself or through an attorney if you have submitted an objection, but you do not need to appear unless you wish to.

**Address of the Settlement Administrator ("GCG"):** *Nwabeze v. AT&T Inc.*, c/o GCG, P.O. Box 35045, Seattle, WA 98124

To get Billing Summary Request Forms, Claim Forms, or more information, contact the Settlement Administrator, Garden City Group ("GCG"), at [www.ATThirdpartybillingsettlement.com](http://www.ATThirdpartybillingsettlement.com), 1-866-242-0603, or via email at [info@ATThirdpartybillingsettlement.com](mailto:info@ATThirdpartybillingsettlement.com).

**STIPULATION**

**EXHIBIT**

**5**

From: AT&T on behalf of the U.S. District Court for the Northern District of California  
To: ~~XXXXXXXXXX~~XXXXXXXXXX  
Subject: Class Action Settlement Notice Ordered by the Federal Court in *Nwabueze, et al. v. AT&T, et al.*, Case No. 09-cv-1529-SI

### **CLASS ACTION SETTLEMENT NOTICE**

(Para ver este aviso en Español, se puede visitar [www.ATthirdpartybillingsettlement.com/Español](http://www.ATthirdpartybillingsettlement.com/Español).)  
*A federal court authorized this Notice. Read this Notice carefully. Your legal rights may be affected.*  
**United States District Court for the Northern District of California**  
***Nwabueze et al v. AT&T et al., Class Action Case No. 09-cv-1529 SI***

**You Received This Notice Because AT&T's Records Indicate You Have Been Billed for Third-Party Charges on Your AT&T Landline Telephone Bill between January 1, 2005 and January 14, 2013, and If You Did Not Authorize the Charges, You May Be Entitled to a Payment From this Class Action Settlement.**

A Settlement has been preliminarily approved by the Court in a class action lawsuit against AT&T alleging that third-party companies placed unauthorized charges on AT&T's landline customers' telephone bills (a practice known as "cramming"), in violation of federal and state law. AT&T denies any wrongdoing. Both sides have agreed to settle the lawsuit in order to avoid the cost, delay, and uncertainty of litigation. The Settlement calls for payments pursuant to a claims approval process to Settlement Class Members who assert they paid for Third-Party Charges placed on their AT&T landline telephone bills they did not authorize.

**ALERT:** If you don't want to be legally bound by the settlement, you must exclude yourself by September 2, 2013, or you won't be able to sue, or continue to sue, AT&T or any other Released Parties about the claims in this case [for a description of Released Parties, [click here](#)]. If you exclude yourself, you cannot receive a payment under this settlement.

**What are "Third-Party Charges"?** Third-party Charges are charges that customers like you could authorize to be billed on your AT&T landline telephone bill for products or services provided by third-party companies (i.e., companies not affiliated with AT&T). Examples of the types of products and services are: voicemail, email, fax, web page services (design, hosting or marketing), yellow page services, diet plans, identity protection and others. To see a non-exhaustive list of Third Parties who may have placed such charges [[click here](#)].

**What are "Unauthorized Third-Party Charges"?** Unauthorized Third-Party Charges are Third-Party Charges placed on a customer's AT&T landline bill without the customer's knowing authorization.

**How much could your payment be?** That depends on the amount of unauthorized Third-Party Charges, if any, you paid that have not already been reimbursed. While the size of payment to which individual customers could be entitled is likely to vary considerably, **class counsel contend that some class members may have claims of hundreds of dollars or more.** If you file a Claim that is approved, you will receive the **full amount (i.e., 100%)** of all Third-Party Charges you paid between January 1, 2005 and January 14, 2013 (the "Class Period") that you assert were not authorized and were not previously reimbursed. If you have not retained or do not otherwise have

**Questions or to obtain an additional Claim Form or Billing Summary Request form: Visit [v. \\_\\_\\_\\_\\_ .com](#), call 1-800-\_\_\_\_\_ toll free or send an email to [xxx@xxx.com](#).**

access to your prior AT&T landline bills, it may not be possible for you to determine if you were billed for Third-Party Charges you did not authorize. Therefore, as described below, at your request AT&T will provide you, **free of charge**, as part of this Settlement a Billing Summary, showing all Third-Party Charges that appeared on your AT&T landline bill during the Class Period as identified from a search of reasonably available AT&T billing information. To obtain a Billing Summary Request Form [[click here](#)]. To apply for payment under this Settlement, you must complete and submit the Claim Form. To obtain a Claim Form [[click here](#)]. Additional Billing Summary Request and Claim Forms are available from the Settlement Administrator at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), 1-800-866-\_\_\_\_\_, or email@xxxxxxx242-0603, or [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com). You can file a claim online or by email or mail. In the Claim Form, you must state, among other things, that you paid Third-Party Charges that you did not knowingly authorize and that you were not previously reimbursed for such charges.

**You can get a Billing Summary of all your Third-Party Charges.** You may have been billed for third-party charges over a period of months without having noticed it. To help you determine if you were billed unauthorized Third-Party Charges during the Class Period, you can request a **free Billing Summary, listing all Third-Party Charges that appeared on your AT&T landline bill during the Class Period** as identified from a search of reasonably available AT&T billing information. To request a Billing Summary, you must complete and submit the Billing Summary Request. To obtain a Billing Summary Request [[click here](#)]. Additional Billing Summary Request forms are available from the Settlement Administrator at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), 1-800-866-\_\_\_\_\_, or email@xxxxxxx242-0603, or [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com). You can submit the Billing Summary Request online, by email or mail, or you may submit your request by telephone at 1-800-866-\_\_\_\_\_-242-0603. **To obtain a Billing Summary you must submit the Billing Summary Request no later than December 2, 2013.**

**Who is in the Settlement Class?** The Court certified a class for settlement purposes only consisting of: all present and former AT&T ILEC landline telephone customers in the United States who, at any time from January 1, 2005 through January 14, 2013, had a Third-Party Charge placed on the customer's AT&T ILEC landline telephone bill through a Clearinghouse. Excluded from the Settlement Class are any judicial officer to whom the Action is assigned and the U.S. government and any State government or instrumentality thereof. [AT&T ILEC means an AT&T-affiliated incumbent local exchange carrier, such as Pacific Bell Telephone Company, d/b/a AT&T California, Illinois Bell Telephone Company, d/b/a AT&T Illinois, etc.]

**Do you have a lawyer representing you in this lawsuit?** The Court appointed lawyers from five law firms to act as Class Counsel for the Settlement Class, whose information is at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com). Class Counsel will ask the Court to approve payment of up to \$5,500,000 for attorneys' fees and expenses for their efforts in achieving this Settlement and for their risk in undertaking their representation on a contingency basis and payment of \$5,000 each to Joy Nwabueze and Amelia Terry, for their services as Class Representatives. The Settlement Class will not be required to pay any portion of the fees and expenses and incentive awards awarded by the Court, which will be paid by AT&T. Payment of these items will not reduce the benefits available to the Settlement Class. You may hire your own attorney at your own cost if you wish, who may enter an appearance on your behalf.

**The Court has preliminarily approved the settlement.** Class Counsel have extensively investigated and researched the claims and underlying facts at issue in the lawsuit and, after considering, among other things, the risks, uncertainties and delay attendant to protracted litigation and the substantial benefits available now through the proposed Settlement, believe that the proposed Settlement is fair, reasonable and adequate and in the best interests of the Settlement Class members. This is only a summary. For complete information, including deadlines by which you must act, you should read the full notice of the settlement agreement, available by clicking [<here>](#).

**Questions or to obtain an additional Claim Form or Billing Summary Request form: Visit**  
**v. \_\_\_\_\_ .com, call 1-800-\_\_\_\_\_- toll free or send an email to xxx@xxx.com.**

**Your legal rights and options in this Settlement:**

<p><b>Submit a Claim Form</b></p>	<p>This is the only way to get a payment. You have the right as a member of the Settlement Class to apply through a claims approval process for the <b>full amount</b> (i.e., 100%) of all Third-Party Charges you paid between January 1, 2005 and January 14, 2013, that you assert were not authorized and for which you have not previously been reimbursed. To receive a settlement payment, you <b>must</b> submit a Claim Form by <b>December 2, 2013</b> or within 30 days of receiving a timely-requested Billing Summary, whichever is later, and include either a Billing Summary provided by AT&amp;T as part of this settlement and identify on that summary any charges that you claim were not authorized <b>or</b> provide other supporting documents (e.g., copies of bills with identification of the charges you claim were not authorized). If you wish to obtain an additional Claim Form [<a href="#">click here</a>] or additional Billing Summary Request Form [<a href="#">click here</a>], or visit <a href="http://www.ATThirdpartybillingsettlement.com">www.ATThirdpartybillingsettlement.com</a>, call 1-800-866-242-0603 or email <a href="mailto:info@ATThirdpartybillingsettlement.com">xxxinfo@xxxATThirdpartybillingsettlement.com</a>.</p>
<p><b>Exclude yourself</b></p>	<p>Get no payment, but do not give up right to sue Defendants or <del>related entities</del> <a href="#">Released Parties</a>. <u>If you don't want to be legally bound by the settlement, you must exclude yourself by September 2, 2013, or you won't be able to sue, or continue to sue, AT&amp;T or any other Released Parties about the claims in this case [for a description of Released Parties, go to <a href="http://www.ATThirdpartybillingsettlement.com">www.ATThirdpartybillingsettlement.com</a>]. If you exclude yourself, you cannot receive a payment under this settlement.</u> To <b>exclude</b> yourself, you must mail a signed, written request to be excluded with your name, address, and phone number, to the Settlement Administrator <u>received or</u> postmarked by <b>September 2, 2013</b>. Unless you exclude yourself, you will be in the Settlement Class, and if the Settlement is approved, will be bound by it, and release claims against Released <del>Persons</del> <a href="#">Parties</a>, as defined in the Settlement Agreement. You may go to <a href="http://www.ATThirdpartybillingsettlement.com">www.ATThirdpartybillingsettlement.com</a> for a full description of the Release in this case and a representative list of other lawsuits by or on behalf of AT&amp;T customers that include claims covered by the Release.</p>
<p><b>Comment or object</b></p>	<p>If you do not exclude yourself, you or your lawyer have the right to object to or comment on the Settlement, Class Counsel's request for attorneys' fees and expenses and/or incentive awards, by mailing objections, in writing, to: Class Counsel, John G. Jacobs at 55 West Monroe Street, Suite 2970, Chicago, IL 60603, and AT&amp;T's Counsel at Douglas R. Tribble, 501 West Broadway, Suite 1100, San Diego, California 92101 and filing the same with the Clerk of the Court at 450 Golden Gate Avenue, San Francisco, California. 94102 <b>by September 2, 2013</b>. Objections must include the objector's name, address, phone number, a detailed statement of the objection, all factual and legal support for it, evidence supporting it, including evidence of the objector's membership in the Settlement Class, and the caption and case number appearing on the Settlement Class Notice. You will not be permitted to appear at the final approval hearing to present an objection unless you timely comply with the requirements listed above for objecting. You will also waive any rights you may have to appeal the Court's ruling on the Settlement or award of attorneys' fees unless you have filed a timely objection.</p>
<p><b>Go to the hearing</b></p>	<p>If you have filed a timely objection you may also ask to speak in Court about the settlement; however are not required to attend the hearing whether you filed an objection or not. The Court will hold a Final Approval Hearing on November 1, 2013 at 9:00 a.m. at the U.S. District Court, Northern District California, 450 Golden Gate Avenue, 19<sup>th</sup> Floor, Courtroom 10, San Francisco, California. 94102 to decide whether the Settlement should be approved as fair, reasonable and adequate and in the best interests of the Class and whether to approve Class Counsel's request for attorneys' fees and expenses and class representative incentive awards. The Court will be available to hear objections and arguments about the settlement. The hearing may be changed to a different date or time without notice. It is your responsibility to check the Court's calendar or the Settlement Website (<a href="http://www.ATThirdpartybillingsettlement.com">www.ATThirdpartybillingsettlement.com</a>) for any changes in the schedule.</p>

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<b>Do nothing</b>	Get no payment and give up your right to sue Defendants and <del>other parties</del> <u>Released Parties</u> with regard to the issues in this case.
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If you want more information about the Settlement and how to participate in the Settlement, please read the detailed Notice and Claim Filing Instructions at <www.~~AT&T~~ ATTthirdpartybillingsettlement.com >

**DO NOT CALL ~~AT&T OR~~ THE COURT WITH QUESTIONS ABOUT THIS NOTICE OR THE SETTLEMENT. CALL THE SETTLEMENT ADMINISTRATOR OR CLASS COUNSEL.** You can contact the Settlement Administrator, Garden City Group, at Nwabueze v. AT&T Third Party Charge Settlement Administrator Inc. c/o XXXGCC, P.O. PO Box XXX35045, |City|, |State|, |Zip| Seattle, WA 98124, or by email at \*\*\*\*info@\*\*\*ATTthirdpartybillingsettlement.com, or you may call toll free 1-800866-xxx-xxxx 242-0603.

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