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

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

17 \_\_\_\_\_ )  
 JOY NWABUEZE, individually and on behalf )  
 18 of a class of similarly situated individuals, )  
 19 Plaintiff, )  
 20 vs. )  
 21 PACIFIC BELL TELEPHONE COMPANY )  
 d/b/a AT&T CALIFORNIA, a California )  
 22 corporation; AT&T SERVICES, INC., a )  
 Delaware corporation; AT&T OPERATIONS, )  
 23 INC., a Delaware corporation; and DOES 1 )  
 through 21, )  
 24 Defendants. )  
 25 \_\_\_\_\_ )

Case No. CV 09-01529 SI

STIPULATION AND [~~Proposed~~] ORDER  
REGARDING MODIFICATION OF  
SETTLEMENT NOTICE PLAN

Judge: Hon. Susan Illston

1           WHEREAS, on January 16, 2013 the Court entered an Order Granting Preliminary  
2 Approval of Class Action Settlement (Doc#159), filed on January 17, 2013 (“Preliminary  
3 Approval Order”).

4           WHEREAS, the Notice Plan described in the Preliminary Approval Order and in the  
5 underlying Settlement Stipulation and Agreement provided for mailed notice to current  
6 customers during two consecutive months beginning no later than thirty (30) days after Notice  
7 Commencement Date (April 1, 2013);

8           WHEREAS, the AT&T Defendants recently learned that approximately 550,000  
9 current customer class members in Alabama, Mississippi and South Carolina (approximately  
10 2.37% of the total class members) did not receive mailed notice due to a combination of  
11 human and software error;

12           WHEREAS, the AT&T Defendants have determined that they have the ability to send  
13 the same yellow bill insert (containing the Notice of Settlement, Billing Summary Request  
14 Form, and Claim Form) received by other current customer class members in a separate direct  
15 mailed notice to the missed class members in two consecutive mailings: the first no later than  
16 July 26, 2013 and the second no later than August 2, 2013. Such notice would be sent more  
17 than thirty (30) days prior to the September 2, 2013 deadline for submitting objections or  
18 requests for exclusion;

19           WHEREAS, the parties met and conferred regarding the error and determined that the  
20 provision of notice to the missed class members as described above would provide the best  
21 notice practicable under the circumstances and constitutes valid, sufficient notice that  
22 complies with due process. *See, e.g., Torrasi v. Tucson Elect. Power Co.*, 8 F.3d 1370, 1375  
23 (9th Cir. 1993) (affirming grant of settlement approval where notice was mailed out to some  
24 class members 31 days before the deadline for written objections and 45 days before the  
25 hearing).

26           NOW THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

27           1. The AT&T Defendants shall send the bill insert (containing the Notice of  
28 Settlement, Billing Summary Request Form, and Claim Form) via direct mail to

1 the approximately 550,000 class members in Alabama, Mississippi and South  
2 Carolina who have not yet received mailed notice, in an AT&T envelope with the  
3 words "Important Notice regarding Third-Party Charges, including how to seek a  
4 refund if unauthorized"; and

5 2. The bill insert (containing the Notice of Settlement, Billing Summary Request  
6 Form, and Claim Form) shall be mailed out twice to the approximately 550,000  
7 class members in Alabama, Mississippi and South Carolina who have not yet  
8 received mailed notice: the first no later than July 26, 2013 and the second no later  
9 than August 2, 2013.

10 Dated: July 23, 2013

PILLSBURY WINTHROP SHAW PITTMAN LLP  
ROXANE A. POLIDORA

DOUGLAS R. TRIBBLE  
CONNIE J. WOLFE

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By /s/ Roxane A. Polidora  
Roxane A. Polidora  
Attorneys for Defendants  
PACIFIC BELL TELEPHONE COMPANY, AT&T  
SERVICES, INC., and AT&T OPERATIONS, INC.

Dated: July 23, 2013

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BRYAN G. KOLTON

By /s/ John G. Jacobs  
John G. Jacobs  
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JOY NWABUEZE and the Putative Class  
*See next page for additional Counsel*

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18 Attorneys for Plaintiff  
19 JOY NWABUEZE and the Putative Class

20 **ATTESTATION OF SIGNATURE**

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

22 I, Roxane A. Polidora, hereby attest that concurrence in the filing of this document  
23 entitled STIPULATION AND [Proposed] ORDER REGARDING MODIFICATION OF  
24 SETTLEMENT NOTICE PLAN has been obtained from all of the signatories.

25 Dated: July 23, 2013


26 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.

Date: 7/29/13

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

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2013, a true and correct copy of **STIPULATION AND [Proposed] ORDER REGARDING MODIFICATION OF SETTLEMENT NOTICE PLAN** 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.

  
\_\_\_\_\_  
Kathy Stout