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 11 Attorneys for Defendant  
 AT&T Mobility LLC

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**

16  
 17 PATRICK HENDRICKS, on behalf of himself  
 and all others similarly situated,

18  
 19 Plaintiff,

20 vs.

21 AT&T MOBILITY, LLC,

22 Defendant.

Case No. CV 11-00409-CRB

**DECLARATION OF CHENELL  
 CUMMINGS IN SUPPORT OF  
 DEFENDANT AT&T MOBILITY LLC'S  
 MOTION TO COMPEL ARBITRATION  
 AND TO STAY CASE**

Date: September 23, 2011  
 Time: 10:00 a.m.  
 Courtroom 8

Honorable Charles R. Breyer

1 I, Chenell Cummings, hereby declare as follows:

2 1. The following facts are of my own personal knowledge, and if called as a witness  
3 I could and would testify competently as to their truth.

4 2. I am employed by AT&T Mobility LLC ("ATTM") (formerly Cingular Wireless  
5 LLC ("Cingular")) as a Manager in the West Region of the Office of the President. I am familiar  
6 with the service agreements under which Cingular provided (and ATTM provides) wireless  
7 service to its subscribers. I am also familiar with the manner in which those agreements and  
8 records pertaining to customers' accounts are stored in the regular and ordinary course of  
9 business and may be retrieved.

10 3. I can provide details of the account history for plaintiff Patrick Hendricks based  
11 on my review of the records for his account.

12 4. According to ATTM's records, on June 1, 2005, Mr. Hendricks placed a  
13 telephone order with a representative for a cellular phone, and on June 3, 2005, Mr. Hendricks  
14 used Cingular's web site to activate that phone by accepting a new wireless service agreement.  
15 Attached as Exhibit 1 is a true and correct printout of relevant computer-generated entries from  
16 Mr. Hendricks's account notes, retrieved from ATTM's records. The account notes reflect that  
17 the terms and conditions for Mr. Hendricks's wireless service agreement were "Web Accepted."  
18 Some information has been redacted from each document to protect Mr. Hendricks's personal  
19 information.

20 5. According to ATTM's records, Mr. Hendricks has also purchased phones from  
21 Parrot Cellular, an independent retailer authorized to sell ATTM wireless service, and activated  
22 those phones for service on ATTM's wireless network. Most recently, ATTM's records show  
23 that on July 9, 2010, Mr. Hendricks purchased an Apple iPhone from the Parrot Cellular store  
24 located at 2114 Shattuck Avenue, Berkeley, California, 94704, and activated that phone for  
25 ATTM wireless service by using ATTM's Interactive Voice Response ("IVR") process.  
26 Attached as Exhibits 2 and 3 are true and correct copies of ATTM's records of Mr. Hendricks's  
27 customer service summary and IVR acceptance document for that transaction. Some  
28

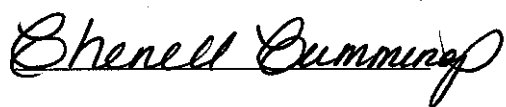
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information has been redacted from each document to protect Mr. Hendricks's personal information.

6. The IVR system asks a customer a series of questions. In order to execute his or her electronic signature on a wireless service agreement, a subscriber is required to push a button on his or her telephone keypad indicating that he or she agrees to the terms of ATTM's wireless service. If the subscriber does not indicate his or her acceptance of the terms, the IVR system does not permit the electronic signature to be executed and declines the contract, thereby preventing service from being connected.

7. Attached as Exhibits 4 and 5 are true and correct reprints of Mr. Hendricks's March and May 2009 billing statements, with some information redacted to protect Mr. Hendricks's personal information.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 25, 2011, at Sacramento, California.

  
Chenell Cummings

# **Exhibit 1**

Creation Date	TYPE	Category	Subscriber	Created By
06/05/2005 23:23:46	Msg acknowledgment	SUB	Redacted	30227 - ENABLE- API I
System Text		UserText		
AN ACKNOWLEDGMENT HAS BEEN RECEIVED FOR TRANSACTION: TLPAC39619073, ACTIVITY IS: 5245, STATUS IS: SUCCESS				
06/03/2005 20:07:11	CSM General	CSM	Redacted	709880 - LEE PANHIA
System Text		UserText		
PATRICK L. HENDRICKS cl to complete act on phone also to get started.. cust wanted to get assist on power on/off phone, making/recieve calls, vm set up, went through phone manual and is confusing therefore refer cust to cingular store for further assist.. panhia lee				
06/03/2005 19:55:17	Unlock Phone	SUB	Redacted	30158 - IVR - API ID
System Text		UserText		
IVR initiated Unlock Phone in Telegence failed due to: Sub Sts not Susp 20050603.				
06/03/2005 19:49:27	CSM General	CSM	Redacted	30148 - CINGDOTCOM
System Text		UserText		
CINGULAR.COM CUSTOMER ACTIVATION:MOBILE NUMBER: 5103161061 CONTRACT LENGTH: 24 STATUS: CONTRACT ACCEPTED. ACCEPTANCE SUCCESSFUL . THE WORKING USER ID IS :CINGDOTCOM				
06/03/2005 19:49:26	Contract Accepted	SUB	Redacted	30148 - CINGDOTCOM
System Text		UserText		
Commitment Term: 24, Terms and Conditions status was changed from Pending to Web Accepted				
06/03/2005 19:49:26	Restore SUB	CTN	Redacted	30148 - CINGDOTCOM
System Text		UserText		
Subscriber Restored effective 06/03/2005. Reason: PER CUSTOMER REQUEST.				
06/02/2005 22:09:01	POS INVOICE	CSM	- -	SYSTEM
System Text		UserText		
POS Invoice: 000073343. Pending BTMEQP charge: \$101.99				
06/01/2005 05:05:21	Suspend BAN	BAN	- -	30224 - COMPASS - AF
System Text		UserText		
BAN Suspended (1 Subscribers) effective from: 20050601. Reason: LOCK PHONE.				
06/01/2005 05:05:20	Activation	SUB	Redacted	30224 - COMPASS - AF
System Text		UserText		
Subscriber Activated effective: 06/01/2005. Reason: CTN ACTIVATION. CAS#: 5.053110206E9. Deposit: \$0.0, PP: CP0NI0011, LDC: 5475 Subscriber: Redacted HANDSET-PROGRAMMED:.				

Creation Date	TYPE	Category	Subscriber	Created By
05/31/2005 14:36:38	Reserve	SUB	Redacted	30152 - POSITIVELY -
System Text		UserText		
Subscriber Reserved effective 05/31/2005.				

05/31/2005 14:36:38	Combine BAN	BAN	- -	30152 - POSITIVELY -
System Text		UserText		
Ban was Combined on: 20050531 with the CBN: Redacted . The CBN established date is: 20050531.				

05/31/2005 14:36:38	Insert CTN discount	SUB	Redacted	30152 - POSITIVELY -
System Text		UserText		
Insert new CTN discount code : NCBD on 05/31/2005				

05/31/2005 14:31:40	Reserve	SUB	Redacted	30152 - POSITIVELY -
System Text		UserText		
Subscriber Reserved effective 05/31/2005.				

05/31/2005 14:31:40	Reserve	SUB	Redacted	30152 - POSITIVELY -
System Text		UserText		
Subscriber Reserved effective 05/31/2005.				

05/31/2005 14:30:25	Release	SUB	Redacted	30152 - POSITIVELY -
System Text		UserText		
Subscriber Released.				

05/31/2005 14:24:53	Reserve	SUB	Redacted	30152 - POSITIVELY -
System Text		UserText		
Subscriber Reserved effective 05/31/2005.				

05/31/2005 14:24:52	Reserve	SUB	Redacted	30152 - POSITIVELY -
System Text		UserText		
Subscriber Reserved effective 05/31/2005.				

05/31/2005 14:22:43	CAS Result Recleved	CSM	- -	SYSTEM
System Text		UserText		
Credit Result Recleved. Order #: 5053110206. Credit Class: T. Deposit:\$ 0.00.				

Creation Date	TYPE	Category	Subscriber	Created By
05/31/2005 14:22:40	Tentative BAN	BAN	- -	30152 - POSITIVELY -
System Text		UserText		
New Tentative BAN.				

Creation Date	TYPE	Category	Subscriber	Created By
05/31/2005 14:22:40	Credit Evaluation	BAN	- -	30152 - POSITIVELY -
System Text		UserText		
Credit evaluation requested. Order number: 5053110206.				