

1 Donald M. Falk (CA Bar No. 150256)  
 dfalk@mayerbrown.com  
 2 MAYER BROWN LLP  
 Two Palo Alto Square, Suite 300  
 3 3000 El Camino Real  
 Palo Alto, CA 94306-2112  
 4 Telephone: (650) 331-2000  
 Facsimile: (650) 331-2060  
 5

6 John Nadolenco (CA Bar No. 181128)  
 jnadolenco@mayerbrown.com  
 Lisa W. Cornehl (State Bar No. 232733)  
 7 lcornehl@mayerbrown.com  
 MAYER BROWN LLP  
 8 350 South Grand Avenue, 25th Floor  
 Los Angeles, CA 90071-1503  
 9 Telephone: (213) 229-9500  
 Facsimile: (213) 625-0248  
 10

11 Attorneys for Defendant  
 AT&T Mobility LLC

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN FRANCISCO DIVISION**  
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 17 PATRICK HENDRICKS, on behalf of himself  
 and all others similarly situated,

18 Plaintiff,

19 vs.

20 AT&T MOBILITY, LLC,

21 Defendant.  
 22  
 23

Case No. CV 11-00409-CRB

**DECLARATION OF SENTHIL KUMAR  
 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, Senthil Kumar, 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 currently employed by AT&T Services, Inc. I was previously employed by  
5 Cingular Wireless LLC ("Cingular") and then AT&T Mobility LLC ("ATTM"). I am familiar  
6 with the technical procedures by which Cingular made its website available for customers to  
7 activate cellular phones in 2005. I am also familiar with the technical procedures concerning  
8 how such customers were presented with and able to accept the terms and conditions of Cingular  
9 wireless service in 2005.

10 3. As those procedures worked in 2005, in order to complete a cellular phone  
11 activation through Cingular's website, a customer was required to check a box with words to the  
12 effect of "I have read and agree to the Wireless Service Agreement in my Welcome Kit that  
13 includes" the "Terms of Service" and then click a button labeled "I Accept." The website  
14 informed the customer that the Cingular Welcome Kit was accessible by clicking a hyperlink that  
15 lead to <http://www.cingularwelcomekit.com>, which appeared above the acknowledgement check  
16 box. If the customer did not check the acknowledgement box and click "I Accept," he or she  
17 was unable to complete the transaction.

18  
19 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
20 February 28<sup>th</sup>, 2011, at Richardson, Texas.

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23 Senthil Kumar  
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