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16 Attorneys for Plaintiff

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19

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

21 Plaintiff,

22 v.

23 AT&T MOBILITY LLC,

24 Defendant.
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Case No. C11-00409 CRB

**DECLARATION OF PLAINTIFF PATRICK
 HENDRICKS IN OPPOSITION TO AT&T
 MOBILITY LLC'S MOTION TO COMPEL
 ARBITRATION AND TO STAY CASE**

Date: September 23, 2011

Time: 10:00 a.m.

Courtroom 8

Hon. Charles R. Breyer

1 I, Patrick Hendricks, declare:

2 1. I am the plaintiff in this action. I have personal knowledge of the facts set forth in
3 this declaration, and, if called as a witness, could and would competently testify thereto under oath.

4 2. I currently work as Adjunct Faculty at Contra Costa Community College District
5 and Online Faculty at Columbia College in Missouri. I make less than \$100,000 per year but more
6 than \$33,000.

7 3. In this action, I allege that AT&T's bills systematically overstate data usage, which
8 caused me to incur a \$15 charge for excess data usage on my November 2010 bill. I seek to
9 recover that \$15 and an injunction requiring AT&T to cease the improper billing of data usage.

10 4. I understand that the rules of the American Arbitration Association would require
11 me to pay a filing fee of \$3,350 and an additional administrative fee of \$1,250 before the first
12 hearing in an individual arbitration. It would be a significant economic hardship for me to pay
13 those fees. It would also be irrational for me to pay \$4,600 to get a hearing on a dispute over a \$15
14 charge. That is something I just won't do.

15 5. I understand that it would cost approximately \$290,524.11 to pay expert witness
16 costs, arbitrator compensation, and administrative fees to pursue my claims in an individual
17 arbitration administered by the American Arbitration Association. I could not possibly afford to
18 pay those costs as they far exceed my annual income. Nor would it make sense for me to pay those
19 costs to seek a \$15 recovery on my individual claim.

20 6. I also understand that it would cost approximately \$1.1 million in attorneys' fees
21 plus an additional \$40,000 in attorneys' expenses to pursue my claims in an individual arbitration.
22 I could not possibly afford to pay those fees and costs nor would it make sense for me to do so
23 since my individual claim is worth only \$15.

24 7. If I cannot pursue my claims as part of a class action, I will not be able to pursue
25 them at all because the costs of an individual arbitration are too high.

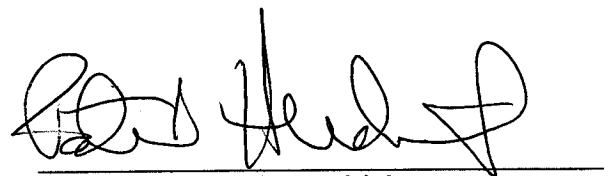
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I declare under penalty of perjury that the foregoing is true and correct, and that this
declaration was executed at Oakland, California this 5th day of August, 2011.



Patrick Hendricks