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Attorneys for Defendant  
 11 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  
 Plaintiff,  
 19  
 vs.  
 20 AT&T MOBILITY, LLC,  
 21  
 Defendant.  
 22

Case No. CV 11-00409-CRB

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

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

Honorable Charles R. Breyer

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1 I, Kevin Ranlett, 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 an attorney at the law firm Mayer Brown LLP.

5 3. On September 9, 2011, I visited the PACER web site for the United States Court  
6 of Appeals for the Second Circuit and retrieved the docket for the case captioned *In re American*  
7 *Express Merchants' Litigation*, No. 06-1871-cv (2d Cir.). A true and correct printout of the  
8 docket is attached as Exhibit 1.

9 4. On September 5, 2011, I visited the web page at [http://www.fightthemerger.com/](http://www.fightthemerger.com/rights/)  
10 [rights/](http://www.fightthemerger.com/rights/). A true and correct printout of that web page is attached as Exhibit 2.

11 5. On September 5, 2011, I visited the web page at <http://www.fightthemerger.com/>.  
12 A true and correct printout of that web page is attached as Exhibit 3.

13 6. On September 9, 2011, I visited the web page at [http://www.reuters.com/article/](http://www.reuters.com/article/2011/07/27/us-att-merger-arbitration-idUSTRE76Q7F320110727)  
14 [2011/07/27/us-att-merger-arbitration-idUSTRE76Q7F320110727](http://www.reuters.com/article/2011/07/27/us-att-merger-arbitration-idUSTRE76Q7F320110727). A true and correct printout of  
15 the July 27, 2011 Reuters news article by Terry Baynes at that web page, entitled "Law Firm  
16 Strikes Back At AT&T Over Merger," is attached as Exhibit 4.

17 7. On September 9, 2011, I visited the web page at  
18 [http://allthingsd.com/20110722/att-customers-file-arbitration-cases-seeking-to-block-t-mobile-](http://allthingsd.com/20110722/att-customers-file-arbitration-cases-seeking-to-block-t-mobile-merger)  
19 [merger](http://allthingsd.com/20110722/att-customers-file-arbitration-cases-seeking-to-block-t-mobile-merger). A true and correct printout of the July 22, 2011 news article by Ina Fried, entitled  
20 "AT&T Customers File Arbitration Cases Seeking to Block T-Mobile Merger," is attached as  
21 Exhibit 5.

22 8. On July 21 and 22, 2011, the law firms of Bursor & Fisher, P.A. ("Bursor");  
23 Faruqi & Faruqi LLP ("Faruqi"); and Thornton, Davis & Fein, P.A. filed 26 Demands for  
24 Arbitration against AT&T Mobility LLC ("ATTM") and AT&T Inc. with the American  
25 Arbitration Association ("AAA").

26 9. Each Demand is substantively identical and includes the same attachments. The  
27 only differences between the Demands are the names and addresses provided for the different  
28 ATTM customers who are claimants in the respective arbitrations. A true and correct printout of

1 the service copy of the Demand filed in the name of ATTM customer Shane Bushman is attached  
2 as Exhibit 6.

3 10. Of the 26 claimants, 13 appear to be either attorneys at Faruqi or individuals who  
4 have served in the past as named plaintiffs in class actions brought by Bursor or Faruqi.

5 11. Specifically, of the 26 claimants who have filed essentially identical demands,  
6 based on their names and the addresses provided in the Demands, Emily Komlossy, Chris  
7 Marlborough, Juan Monteverde, Richard Gonnello, Beth Keller, and Sandra Smith appear to be  
8 Faruqi attorneys. On September 6, 2011, I visited the web site of the Faruqi firm (at  
9 <http://www.faruqilaw.com/firm.php>), clicked on the link marked "Attorneys," and used the  
10 search form to locate the online biographies of those individuals. True and correct printouts of  
11 those web pages are attached as Exhibits 7-12.

12 12. In addition, Alexis Justak, Leslie Bernardi, Richard Colosimo, Jared Pope, Leaf  
13 O'Neal, Alexis Ubiera, and Astrid Mendoza, are plaintiffs who have been represented by Bursor  
14 or Faruqi in prior class or collective actions.

15 13. Alexis Justak is a named plaintiff in a consumer class action handled by Bursor  
16 and Faruqi against the food producer, ConAgra Foods. *See Scarpelli v. ConAgra Foods, Inc.*,  
17 No. 2:11-cv-04038 (D.N.J. filed July 14, 2011). A copy of the complaint in that action, which I  
18 downloaded using the court's PACER system on September 6, 2011, is attached as Exhibit 13.

19 14. Bursor and Faruqi represented Richard Colosimo, a former Faruqi attorney, in a  
20 2010 consumer class action against ATTM. *See Colosimo v. AT&T*, No. 2:10-cv-01495 (D.N.J.  
21 filed March 24, 2010). A copy of the complaint in that action, which I downloaded using the  
22 court's PACER system on September 6, 2011, is attached as Exhibit 14.

23 15. Faruqi also represented Leaf O'Neal and Jared Pope in a Fair Labor Standards  
24 Act collective action against the health club, Club Fit. *See Bazzini et al. v. Club Fit Mgmt., Inc.*,  
25 No. 1:08-cv-04530 (S.D.N.Y. 2008). Copies of Mr. O'Neal's and Mr. Pope's consents to sue  
26 under the Fair Labor Standards Act, which I downloaded using the court's PACER system on  
27 September 6, 2011, are attached as Exhibits 15-16.

28 16. Currently, Faruqi represents O'Neal and Alexis Ubiera in a separate FLSA action

1 against three sports club operators for unpaid wages. *See O'Neal et al. v. Frem Group, L.P. et*  
2 *al.*, No. 7:11-cv-02633 (S.D.N.Y. filed April 18, 2011). A copy of the complaint in that action,  
3 which I downloaded using the court's PACER system on September 6, 2011, is attached as  
4 Exhibit 17.

5 17. Leslie Bernardi, represented by Faruqi, and Astrid Mendoza, represented by  
6 Bursor, were class representatives in two class actions against ATTM and Cingular Wireless.  
7 *See Meoli, et al. v. AT&T Wireless PCS, LLC, et al.*, No. RG 03086113 (Cal. Super. Ct. 2008);  
8 *Mendoza, et al. v. Cingular Wireless LLC, et al.*, No. RG 03114152 (Cal. Super. Ct. 2008).  
9 Attached as Exhibits 18-19 are copies of the fourth amended complaints in those actions, which  
10 counsel for plaintiffs served on Mayer Brown. Although the complaint in the *Meoli* action refers  
11 to Leslie Bernardi as Leslie Armstrong, Ms. Bernardi's declaration in that case (attached as  
12 Exhibit 20) confirms that Leslie Armstrong is her maiden name.

13 18. After the filing of these 26 Demands, the parties each sent several letters to the  
14 AAA via email regarding the applicability of the AAA's Class Arbitration Policy. A copy of  
15 that Policy (printed on September 5, 2011 from the AAA's web page at [http://www.adr.org/](http://www.adr.org/Classarbitrationpolicy)  
16 [Classarbitrationpolicy](http://www.adr.org/Classarbitrationpolicy)) is attached as Exhibit 21. Those letters are attached (in chronological  
17 order) as Exhibits 22-27.

18 19. On August 4, 2011, the AAA sent letters to the parties stating that the AAA  
19 would accept 24 of the Demands for administration. Copies of those letters accepting the  
20 Demands filed by the defendants in this action are attached as Exhibits 28-35.

21 20. Since August 4, 2011, Bursor has filed many more Demands. As of September 2,  
22 2011, 977 such Demands have been filed. The Demands filed after August 4, 2011 differ from  
23 the earlier ones in only minor respects. For example, although the earlier Demands stated that  
24 the Regular Track Procedures of the AAA's Wireless Industry Association Rules apply, the  
25 Demands filed after August 4, 2011 state that the Supplementary Procedures for Consumer  
26 Related Disputes apply. In addition, the Demands filed after August 4, 2011 allege that ATTM  
27 declined the claimant's request to pay the AAA filing fee for the Demand and request that  
28 ATTM be ordered to pay the fee and other costs of arbitration.

1           21. On September 5, 2011, I visited the web page at <http://www.adr.org/si.asp?id=6447>. A true and correct printout of the AAA Commercial Arbitration and Mediation  
2 Procedures from that web page is attached as Exhibit 36.  
3

4           22. On September 5, 2011, I visited the web page at <http://www.adr.org/si.asp?id=6447>. A true and correct printout of the AAA Commercial Arbitration and Mediation  
5 Procedures from that web page is attached as Exhibit 37.  
6

7           23. A true and correct copy of a transcript of the September 29, 2008 hearing in  
8 *Trujillo v. Apple Computer, Inc.*, No. 07 C 4946 (N.D. Ill.), is attached as Exhibit 38.

9           24. A true and correct copy of a transcript of the September 8, 2011 hearing in *Bursor*  
10 *& Fisher, P.A. v. Federal Communications Commission*, No. 11 Civ. 5457 (LAK) (S.D.N.Y.), is  
11 attached as Exhibit 39.  
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13           I declare under penalty of perjury that the foregoing is true and correct. Executed on  
14 September 9, 2011, at Washington, DC  
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17 Kevin Ranlett  
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