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 9 Attorneys for Plaintiffs

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 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

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 16 Case No. c 07-05152-JW

17 _____)
 IN RE APPLE & AT&TM)
 18 ANTI-TRUST LITIGATION)

DECLARATION OF H. TIM HOFFMAN
 IN SUPPORT OF MOTION TO
 APPOINT MAX FOLKENFLIK AS
 LEAD COUNSEL FOR PLAINTIFFS
 AND THE PUTATIVE CLASS

19)
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 21 _____)
 Hearing Date: April 7, 2008
 Time: 9:00 a.m.
 Hearing Judge: Hon. James Ware

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 27 DECLARATION OF H. TIM HOFFMAN IN SUPPORT OF MOTION TO APPOINT MAX FOLKENFLIK AS LEAD COUNSEL
 FOR PLAINTIFFS AND THE PUTATIVE CLASS

1 I, H. TIM HOFFMAN, declare:

2 1. I am an attorney licensed to practice law in the state of California and am a partner
3 at Hoffman & Lazear, attorneys of record for plaintiffs Paul Holman and Lucy Rivello, in
4 Holman and Rivello, et al. v. Apple, Inc., AT&T Mobility LLC., (No. 07-CV-05152-JW),
5 one of the three related cases in the above-captioned matter. I submit this declaration in
6 support of the Motion to Appoint Max Folkenflik as Lead Counsel for the plaintiffs and
7 putative class.

8 2. Our firm has associated with the law firm of Folkenflik and McGerity in the Holman
9 matter.

10 3. I have also been associated with Mr. Folkenflik and his firm in several other cases. I
11 met him when we each represented different objectors who had opposed a proposed
12 settlement in Hoffman v. American Express, a complex consumer class action in
13 California Superior Court in Alameda County. Mr. Folkenflik was appointed lead counsel
14 for the objectors and, following the disapproval of the proposed settlement, has acted as
15 lead counsel for the plaintiff class.

16 4. I have worked with Mr. Folkenflik for several years in the Hoffman litigation.
17 Throughout that time, he has proven himself to be extremely knowledgeable and
18 hard-working. He has shown excellent judgment. He has also demonstrated an
19 extraordinary ability to lead co-counsel, as well as to get along cooperatively with
20 opposing counsel.

21 5. I have been a practicing litigation attorney since 1965. I graduated from the
22 University of Illinois Law School. I was admitted to practice in the State of Illinois in
23 1965 and in California in 1971. I have been in private practice in California since 1972.

24 6. Other work in the instant litigation is performed by my partner, Arthur W. Lazear,
25 and my associate, Morgan M. Mack. Mr. Lazear graduated from the University of
26 California, Berkeley Law School (Boalt Hall), and has been a litigation attorney,

1 specializing in complex matters and class litigation since 1978. He is admitted to practice
2 in state and federal courts in California. Mr. Mack graduated from the University of
3 California, Hastings College of the Law, and has been a litigation attorney, specializing in
4 class actions since 2001. He is admitted to practice in state and federal courts in
5 California.

6 7. Over the past three decades, my firm and I have been involved in a substantial
7 amount of complex litigation, including numerous class actions and complex litigation.

8 Among the cases in which we have been involved are:

9 a. Kahle v. Pacific Telesis Group, a class action for unpaid overtime compensation,
10 which resulted in a substantial settlement for a class of over six hundred employees.

11 b. Kelly v. Pacific Telesis Group, an action in which a class of over 1000 employees
12 was certified on a claim for unpaid overtime compensation resulting in an approved
13 settlement of 35 million dollars.

14 c. McLendon v. Continental Can Company, an ERISA action where Hoffman &
15 Lazear acted as one of three firms serving as trial counsel to a nationwide class that
16 resulted in a verdict for Plaintiffs and damages settlement of approximately \$415 million.

17 d. Terones v. Pacific States Steel, another class action under ERISA, which resulted
18 in the recovery of pension and medical benefits worth tens of millions of dollars.

19 e. Phemister v. Harcourt Brace Jovanovich, a nationwide antitrust class action in
20 which we represented a class of approximately 40,000 attorneys and achieved an approved
21 settlement.

22 f. Amaro v. Continental Can Company, another ERISA action where we were sole
23 counsel for the plaintiff class and obtained for the plaintiffs a verdict and a damages
24 settlement of \$7 million.

25 g. Cordoza v. Pacific States Steel Corp., an ERISA class action in the Northern
26 District of California which resulted in our obtaining broad injunctive relief and fashioning

1 a unique remedy to provide millions of dollars in medical benefits for class members.

2 h. ACORN v. Household International, a consumer class action alleging predatory
3 lending practices that resulted in a large, complex settlement on behalf of a nationwide
4 class of borrowers.

5 i. Roberts v. Best Buy, an action with a certified class of assistant managers that produced
6 a settlement of 13.75 million dollars for the class.

7 8. I have served as lead counsel, co-lead counsel or liaison counsel in several cases,
8 including Chu v. Wells Fargo Home Mortgage, where my firm has been appointed sole
9 lead counsel, Hoffman v. American Express, where I served as liaison counsel, Mervorah
10 v. Wells Fargo Investments, where our firm is lead counsel for a class of California
11 employees and ACORN v. Household International, where our firm served on the
12 executive committee for class counsel. I also have extensive experience trying cases
13 before juries.

14 9. If Mr. Folkenflik is appointed lead counsel in this matter, I will work closely with him
15 on behalf of the plaintiffs and the purported class, as we have in the past, and I know from
16 experience that we can work together productively.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed this 3rd day of March, 2008 at Oakland,
19 California.

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21 /s/ H. Tim Hoffman
22 H. Tim Hoffman
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28 FOR PLAINTIFFS AND THE PUTATIVE CLASS