

1 Joseph E. Addiego III (CA SBN 169522)
 JAMES C. GRANT (*Pro hac vice*)
 2 DAVIS WRIGHT TREMAINE LLP
 505 Montgomery Street, Suite 800
 3 San Francisco, CA, 94111-6533
 Telephone: (415) 276-6500
 4 Facsimile: (415) 276-6599
 Email: joeaddiego@dwt.com

6 Attorneys for Defendant
 T-MOBILE USA, INC.
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 DAVIS WRIGHT TREMAINE LLP

MARY MCKINNEY, Individually and on
 behalf of All others Similarly Situated,

Plaintiff,

v.

GOOGLE INC., a Delaware Corporation;
 HTC CORP., a Delaware Corporation; and
 T-MOBILE USA, INC., a Delaware
 Corporation,

Defendants.

Case No. CV 10-01177 JW

**DECLARATION OF REBEKAH
 CASNER IN SUPPORT OF T-MOBILE'S
 MOTION TO COMPEL ARBITRATION**

Date: November 1, 2010
 Time: 9:00 a.m.
 Courtroom: 8

The Honorable James S. Ware

21 Rebekah Casner declares and states as follows:

22 1. I am employed as a contract paralegal for T-Mobile USA, Inc. ("T-Mobile"),
 23 working in the Legal Affairs Department in Bellevue, Washington.

24 2. I make this declaration on the basis of personal knowledge and the business
 25 records of T-Mobile, and I am competent to testify to the matters stated herein.

26 3. T-Mobile's Terms and Conditions of service in effect since June 28, 2008
 27 ("Terms & Conditions") provide that customers may choose to opt out of the arbitration
 28


DAVIS WRIGHT TREMAINE LLP

1 agreement contained in the Terms & Conditions. They may do so either by calling a toll-free
2 number or completing a form on the Internet at www.T-Mobiledisputeresolution.com within
3 thirty days of activation of a line of service.

4 4. T-Mobile's records reflect that Mary McKinney, the named plaintiff in this
5 action, has not opted out of the arbitration agreement at any time since June 28, 2008,
6 although she has extended her contract and accepted the Terms & Conditions several times
7 since that date.

8
9 I declare under penalty of perjury under the laws of the United States of America that
10 the foregoing is true and correct.

11 EXECUTED at Bellevue, Washington, this 12th day of July, 2010.

12 
13 _____
14 Rebekah Casner

15
16
17
18
19
20
21
22
23
24
25
26
27
28