

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: APPLE IPHONE 3G AND 3GS MMS
MARKETING AND SALES PRACTICES
LITIGATION**

MDL NO. 2116

2:09-md-2116

SECTION: J

JUDGE BARBIER

MAGISTRATE JUDGE WILKINSON

**THIS DOCUMENT RELATES TO ALL
ACTIONS**

**DECLARATION OF CAROLINE
MAHONE-GONZALEZ IN SUPPORT OF
DEFENDANT AT&T MOBILITY LLC'S
MOTIONS TO COMPEL
ARBITRATION**

I, Caroline Mahone-Gonzalez, hereby declare as follows:

1. The following facts are of my own personal knowledge, and if called as a witness I could and would testify competently as to their truth.

2. I am employed by AT&T Mobility LLC ("ATTM") as an Area Manager in the West Region of the Office of the President. I am familiar with the service agreements under which ATTM provides wireless service to its subscribers and the manner in which in the regular and ordinary course of business those agreements and records pertaining to customers' accounts are stored and may be retrieved.

3. I can provide details of the plaintiffs' account history based on my review of the records for what appear, based on names and residences, to be the records of their accounts.

Joey Aleman

4. According to ATTM records, Mr. Aleman purchased an iPhone and on October 8, 2009 activated the device for service on ATTM's wireless network and accepted a wireless service agreement with ATTM by using ATTM's Interactive Voice Response ("IVR") process. Attached as Exhibits 1 and 2 are true and correct copies (with some information redacted to protect Mr. Aleman's personal information) of Mr. Aleman's Customer Service Summary for that transaction, and the relevant computer-generated entries from ATTM's account notes for Mr. Aleman's account reflecting that the terms of service for the wireless service agreement he accepted on that date were "IVR Accepted."

5. At the time Mr. Aleman purchased and activated this phone, the IVR system would have asked a customer a series of questions. In order to execute his or her electronic signature on a wireless service agreement, a subscriber would have been required to push a button on his or her telephone keypad indicating that he or she agrees to the terms of ATTM's wireless service. If the subscriber did not indicate his or her acceptance of the terms, the IVR system would not have permitted the electronic signature to be executed and would have declined the contract, thereby preventing service from being connected.

6. Attached as Exhibits 3, 4 and 5 are true and correct copies of Mr. Aleman's March, April, and May 2009 billing statements, with some information redacted to protect Mr. Aleman's personal information.

Ryan Baxter

7. According to ATTM's records, on June 21, 2009, an iPhone was purchased and activated on Mr. Baxter's account at an Apple retail store.

8. Attached as Exhibits 6, 7, and 8 are true and correct copies of Mr. Baxter's March, April, and May 2009 billing statements, with some information redacted to protect Mr. Baxter's personal information.

Ryan Casey

9. According to ATTM records, on December 10, 2008 Mr. Casey purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 9 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Mr. Casey's account that document this transaction. Exhibit 10 is a true and correct copy of Mr. Casey's Customer Service Summary for the transaction. Attached as Exhibit 11 is ATTM's electronic record of what appears to be Mr. Casey's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Mr. Casey's personal information.

10. Attached as Exhibits 12, 13, and 14 are true and correct copies of Mr. Casey's March, April and May 2009 billing statements, with some information redacted to protect Mr. Casey's personal information.

Clyde Bernard Franklin

11. According to ATTM records, on September 2, 2008 Mr. Franklin purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 15 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Mr. Franklin's account that document this transaction. Exhibit 16 is a true and correct copy of Mr. Franklin's Customer Service Summary for the transaction. Attached as Exhibit 17 is ATTM's electronic record of what appears to be Mr. Franklin's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Mr. Franklin's personal information.

12. Attached as Exhibits 18, 19, and 20 are true and correct copies of Mr. Franklin's March, April, and May 2009 billing statements, with some information redacted to protect Mr. Franklin's personal information.

Henri Friloux

13. According to ATTM's records, Henri Friloux is a user on an account held by Allison Friloux.

14. According to ATTM records, Ms. Friloux opened her account with ATTM on June 24, 2009, when she purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 21 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for the Friloux's account that document this transaction. Exhibit 22 is a true and correct copy of Ms. Friloux's Customer Service Summary for the transaction. Attached as Exhibit 23 is ATTM's electronic record of what appears to be Ms. Friloux's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Ms. Friloux's personal information.

Laurie Guenther

15. According to ATTM's records, on July 11, 2008, an iPhone was purchased and activated on Ms. Guenther's account at an Apple retail store.

16. Attached as Exhibits 24, 25, and 26 are true and correct copies of Ms. Guenther's March, April, and May 2009 billing statements, with some information redacted to protect Ms. Guenther's personal information.

Kyle Irving

17. According to ATTM's records, Kyle Irving is a user on an account held by Michelle Irving.

18. According to ATTM records, on June 19, 2009 Ms. Irving purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 27 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for the Irvings' account that document this transaction. Exhibit 28 is a true and correct copy of Ms. Irving's Customer Service Summary for the transaction. Attached as Exhibit 29 is ATTM's electronic record of what appears to be Ms. Irving's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect the Irvings' personal information.

19. Attached as Exhibits 30, 31, and 32 are true and correct copies of the Irvings' March, April, and May 2009 billing statements, with some information redacted to protect the Irving's personal information.

Janice Jackson

20. According to ATTM records, on July 25, 2009 Ms. Jackson purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 33 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Ms. Jackson's account that document this transaction. Exhibit 34 is a true and correct copy of Ms. Jackson's Customer Service Summary for the transaction. Attached as Exhibit 35 is ATTM's electronic record of the signature captured on the store's electronic signature-capture device for that transaction. Some information has been redacted from these documents to protect Ms. Jackson's personal information.

21. Attached as Exhibits 36, 37, and 38 are true and correct copies of Ms. Jackson's March, April, and May 2009 billing statements, with some information redacted to protect Ms. Jackson's personal information.

Aida Kamarian

22. According to ATTM's records, Aida Kamarian is a user on an account held by Anto Kamarian.

23. According to ATTM records, on October 13, 2008 an iPhone was purchased and activated on the Kamarian account at an Apple retail store.

24. Attached as Exhibits 39, 40, and 41 are true and correct copies of the Kamarians' March, April, and May 2009 billing statements, with some information redacted to protect the Kamarians' personal information.

Paige Lierman

25. According to ATTM records, Ms. Lierman opened her account with ATTM on July 2, 2009, when she obtained an iPhone from an Apple retail store.

Tim Meeker

26. According to ATTM records, on March 13, 2009 Mr. Meeker purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 42 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Mr. Meeker's account that document this transaction. Exhibit 43 is a true and correct copy of Mr. Meeker's Customer Service Summary for the transaction. Attached as Exhibit 44 is ATTM's electronic record of what appears to be Mr. Meeker's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Mr. Meeker's personal information.

27. Attached as Exhibits 45, 46 and 47 are true and correct copies of Mr. Meeker's March, April, and May 2009 billing statements, with some information redacted to protect Mr. Meeker's personal information.

Jonathan Mejia

28. According to ATTM's records, Jonathan Mejia is a user on an account held by Sarai Mercado.

29. According to ATTM records, on April 19, 2009 Mr. Mejia purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 48 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Ms. Mercado's account that document this transaction. Exhibit 49 is a true and correct copy of Mr. Mejia's Customer Service Summary for the transaction. Attached as Exhibit 50 is ATTM's electronic record of what appears to be Mr. Mejia's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Mr. Mejia's personal information.

30. Attached as Exhibits 51, 52 and 53 are true and correct copies of Ms. Mercado's March, April, and May 2009 billing statements, with some information redacted to protect Ms. Mercado's personal information.

Arturo Molina

31. According to ATTM's records, Arturo Molina is a user on an account held by Susan Molina.

32. According to ATTM's records, on July 29, 2009, an iPhone was purchased and activated on the on the Molina account at an Apple retail store.

33. Attached as Exhibits 54, 55, and 56 are true and correct copies of the Molinas' March, April, and May 2009 billing statements, with some information redacted to protect the Molinas' personal information.

Francis P. Monticelli

34. According to ATTM records, Mr. Monticelli opened his account with ATTM on March 30, 2009, when he purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 57 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Mr. Monticelli's account that document this transaction. Exhibit 58 is a true and correct copy of Mr. Monticelli's Customer Service Summary for the transaction. Attached as Exhibit 59 is ATTM's electronic record of what appears to be Mr. Monticelli's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Mr. Monticelli's personal information.

35. Attached as Exhibits 60 and 61 are true and correct copies of Mr. Monticelli's April and May 2009 billing statements, with some information redacted to protect Mr. Monticelli's personal information.

36. According to ATTM records, in September 2009 Mr. Monticelli changed his ATTM billing address to an address in the state of New York.

Janine R. Novick

37. According to ATTM records, on August 23, 2008 Ms. Novick purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 62 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Ms. Novick's account that document this transaction. Exhibit 63 is a true and correct copy of Ms. Novick's Customer Service Summary for the transaction. Attached as Exhibit 64 is ATTM's electronic record of what appears to be Ms. Novick's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Ms. Novick's personal information.

38. Attached as Exhibits 65, 66, and 67 are true and correct copies of Ms. Novick's March, April, and May 2009 billing statements, with some information redacted to protect Ms. Novick's personal information.

Gerard Padden

39. According to ATTM's records, on November 23, 2008, an iPhone was purchased and activated on Mr. Padden's account at an Apple retail store.

40. Attached as Exhibits 68, 69, and 70 are true and correct copies of Mr. Padden's March, April, and May 2009 billing statements, with some information redacted to protect Ms. Guenther's personal information.

Bartley Raulston

41. According to ATTM records, on February 22, 2009 Mr. Raulston used ATTM's web site to order an iPhone and activate it for use with ATTM's network by accepting a new wireless service agreement. Attached as Exhibit 71 is a true and correct printout (with some information redacted to protect Mr. Raulston's confidential information) of relevant computer-generated entries from ATTM's account notes for Mr. Raulston's account notes, reflecting that the terms of service for the wireless service agreement he accepted on that date were "Web Accepted."

42. Attached as Exhibits 72, 73, and 74 are true and correct copies of Mr. Raulston's March, April, and May 2009 billing statements, with some information redacted to protect Mr. Raulston's personal information.

Philip Sterker

43. According to ATTM's records, Philip Sterker is a user on an account held by Chris Sterker.

44. According to ATTM's records, on July 21, 2009, an iPhone was purchased and activated on the Sterker account from an Apple retail store.

45. Attached as Exhibits 75, 76, and 77 are true and correct copies of the Sterkers' March, April, and May 2009 billing statements, with some information redacted to protect the Sterkers' personal information.

Sabrina Storner

46. According to ATTM's records, Sabrina Storner is a user on an account held by Jason Storner.

47. According to ATTM records, Mr. Storner opened his account on March 14, 2009, when he purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 78 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for the Storners' account that document this transaction. Exhibit 79 is a true and correct copy of Mr. Storner's Customer Service Summary for the transaction. Attached as Exhibit 80 is ATTM's electronic record of what appears to be Mr. Storner's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect the Storners' personal information.

48. Attached as Exhibits 81 and 82 are true and correct copies of the Storners' April and May 2009 billing statements, with some information redacted to protect the Storners' personal information.

Matthew Sullivan

49. According to ATTM's records, Mr. Sullivan opened his account with ATTM on July 22, 2009, when he obtained an iPhone from an Apple retail store.

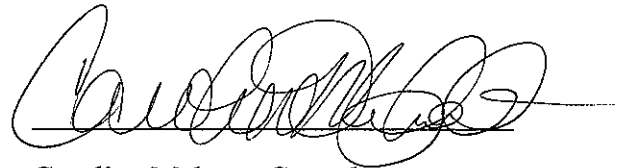
William F. West

50. According to ATTM records, Mr. Williams opened his account with ATTM on June 28, 2009, and on July 3, 2009 purchased an iPhone at an ATTM retail store and activated the device for ATTM wireless service. Attached as Exhibit 83 is a true and correct copy of relevant computer-generated entries from ATTM's account notes for Mr. West's account that document this transaction. Exhibit 84 is a true and correct copy of Mr. West's Customer Service Summary for the transaction. Attached as Exhibit 85 is ATTM's electronic record of what appears to be Mr. West's signature on the store's electronic signature-capture device. Some information has been redacted from these documents to protect Mr. West's personal information.

Timothy Williams

51. According to ATTM's records, Mr. Williams opened his account with ATTM on July 11, 2009, when he obtained an iPhone from an Apple retail store.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 9th, 2010, at Sacramento, California.



Caroline Mahone-Gonzalez