

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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

THIS DOCUMENT RELATES TO ALL
ACTIONS

MDL NO. 2116

2:09-md-2116

SECTION: J

JUDGE BARBIER

**DECLARATION OF RAMON L.
MENENDEZ IN SUPPORT OF
DEFENDANT AT&T MOBILITY LLC'S
MOTIONS TO COMPEL
ARBITRATION**

I, Ramon L. Menendez, 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 the Director of the Sales Provisioning Systems group. In that position, I serve as an intermediary between the Sales and Information Technology departments. I am familiar with the policies and procedures by which ATTM company-owned retail stores receive and document customers' acceptance of their service agreements, including the terms and conditions of those agreements. I was involved in the groups that designed and implemented the software used by ATTM company-owned retail stores' point-of-sale system to process wireless phone transactions.

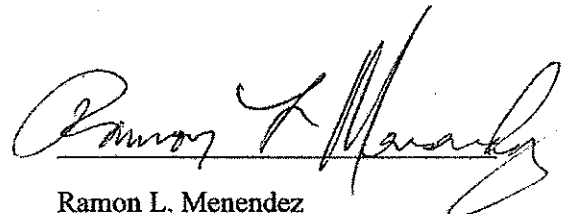
3. In order to purchase a wireless phone at an ATTM company-owned retail store and obtain ATTM wireless service, a customer must confirm that he or she accepts ATTM's service agreement, including its Terms of Service. Specifically, a customer generally must mark a box labeled "Accept" and write his or her signature on an electronic signature-capture device.

Immediately above the signature line and "Accept" box, the device displays text indicating the customer's consent to ATTM's service agreement.

4. From August 2008 through July 2009, the following text would have appeared for a customer purchasing an iPhone: "I agree to the Customer Service Summary (CSS), Terms of Service, Rate Plan and features brochure for the services described in the CSS, all of which were presented to me prior to my signing below. If buying an iPhone, I agree that use of the iPhone acts as an acceptance of the Apple and third party terms and conditions included with the iPhone."

5. In August 2008, the following text would have appeared for a customer purchasing a wireless phone other than an iPhone: "I have read, understood and agree to be bound by the agreement for wireless service on the above number. The agreement I am signing includes the Customer Service Summary, Terms of Service, Rate Plan and feature brochures for the services described in the Customer Service Summary all of which I acknowledge were presented to me prior to my signing below."

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 4, 2010, at Atlanta, Georgia.


Ramon L. Menendez