

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

MAGISTRATE JUDGE WILKINSON

**DECLARATION OF RICHARD J. RIVES  
IN SUPPORT OF DEFENDANT AT&T  
MOBILITY LLC'S MOTIONS TO  
COMPEL ARBITRATION**

I, Richard J. Rives, 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 Senior Manager, Creative Services. In that position, I am familiar with the documents that contain the terms and conditions of ATTM's wireless services, including "Terms of Service" booklets.

3. Attached as Exhibit 1 is a true and correct copy of form Terms of Service booklet # FMSTCT06080118E. This booklet contains the version of the Terms of Service that went into effect in June 2008.

4. Attached as Exhibit 2 is a true and correct copy of form Terms of Service booklet # FMSTCT02090123E. This booklet contains the version of the Terms of Service that went into effect in February 2009.

5. Attached as Exhibit 3 is a true and correct copy of form Terms of Service booklet # FMSTCT004090130E. This booklet contains the version of the Terms of Service that went into effect in April 2009.

6. Attached as Exhibit 4 is a true and correct copy of form Terms of Service booklet # FMSTCT007090132E. This booklet contains the version of the Terms of Service that went into effect in July 2009.

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

  
Richard J. Rives