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

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| IN RE: APPLE iPHONE 3G AND 3GS MMS MARKETING AND SALES PRACTICES LITIGATION | MDL NO. 2116<br>2:09-md-2116<br>SECTION: J<br>JUDGE BARBIER<br>MAGISTRATE JUDGE WILKINSON |
| THIS DOCUMENT RELATES TO ALL ACTIONS | **DECLARATION OF RICHARD PIANKA IN SUPPORT OF DEFENDANT AT&T MOBILITY LLC'S MOTION FOR PROTECTIVE ORDER** |

I, Richard Pianka, hereby declare as follows:

1. I am a attorney with the law firm of Mayer Brown LLP, which represents defendant AT&T Mobility LLC ("ATTM") in this matter. I have personal knowledge of the matters stated herein, and if called upon, I could and would competently testify thereto.

2. On August 19, 2010, plaintiffs served ATTM with their First Request for Production, First Interrogatories, and First Request for Admissions. True and correct copies of those documents are attached as Exhibits 1-3, respectively.

3. ATTM served plaintiffs with its responses to plaintiffs' First Request for Production and First Request for Admissions on September 17, 2010. ATTM served plaintiffs with its responses to plaintiffs' First Interrogatories on September 20, 2010.

4. On September 23, 2010, plaintiffs sent ATTM a draft Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6).

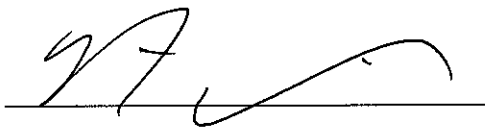
5. On September 28, 2010, the parties met and conferred by teleconference concerning ATTM's responses to plaintiffs' written discovery requests and plaintiffs' draft Notice of Deposition. The parties were unable to reach agreement on these discovery issues.

6. On October 1, 2010, ATTM sent plaintiffs its first production in response to their requests for production, consisting of 425 pages of documents. The same day, counsel for ATTM sent counsel for plaintiffs a draft of a proposed protective order to ensure the proper handling of confidential materials. To date, counsel for plaintiffs have not stated whether they are agreeable to the proposed order. ATTM intends to produce additional confidential documents totaling over 750 pages, pending entry of a suitable protective order.

7. On October 1, 2010, plaintiffs served ATTM with a Notice of Deposition. A true and correct copy of that notice is attached as Exhibit 4.

8. On October 11, 2010, ATTM served plaintiffs with its objections to the Notice of Deposition. A true and correct copy of those objections is attached as Exhibit 5.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 14, 2010, at Washington, DC.



Richard Pianka