

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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 AVI KOSCHITZKI, on Behalf of Himself and
 all Others Similarly Situated,

Plaintiff,

vs.

APPLE INC. and AT&T MOBILITY LLC,

Defendant.
 ----- X

Civil Action No. 1:08-cv-04451-JBW-VVP

**DECLARATION OF HARRY
 BENNETT IN SUPPORT OF
 DEFENDANT AT&T MOBILITY
 LLC'S MOTION TO COMPEL
 ARBITRATION AND DISMISS
 ACTION**

I, Harry Bennett, 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") (formerly Cingular Wireless LLC ("Cingular")) as the Executive Director for E-Commerce Operations. I have held this position since October 2005. (Between October 2005 and September 2006, my title was Senior Director for E-Commerce Operations.) Before that, I was Director of IT (Information Technology) for Cingular.

3. My job responsibilities include, among other things, overseeing the business group that manages ATTM's e-commerce activities and that maintains ATTM's web site.

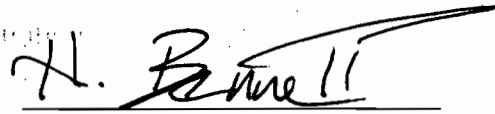
4. ATTM's home page may be accessed at <http://www.wireless.att.com> or by going to <http://www.att.com> and clicking on the link marked "Wireless" toward the top of the web page.

5. ATTM's current arbitration provision is available on ATTM's web site at <http://www.att.com/disputeresolution>. A true and correct printout of that web page is attached as Exhibit 1.

6. Additional information about ATTM's arbitration procedures may be found on ATTM's web site at <http://www.att.com/arbitration-information>. A true and correct printout of that web page is attached as Exhibit 2.

7. ATTM gives customers access to forms for initiating the arbitration process by providing both a Notice of Dispute form and an Arbitration Initiation form on its web site (at <http://www.att.com/arbitration-forms>). True and correct copies of these forms are attached as Exhibits 3 and 4.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 21, 2008.


Harry Bennett