EASTERN DISTRICT COURT EASTERN DISTRICT OF NEW YORK	
AVI KOSCHITZKI, on Behalf of Himself and all Others Similarly Situated,	X : Civil Action No. 1:08-cv-04451-JBW-VVP
Plaintiff,	: SUPPLEMENTAL DECLARATION OF
vs.	CAROLINE MAHONE-GONZALEZ IN SUPPORT OF DEFENDANT AT&T
APPLE INC. and AT&T MOBILITY LLC,	MOBILITY LLC'S MOTION TO COMPEL ARBITRATION AND
Defendant.	DISMISS ACTION
	X

## I, Caroline Mahone-Gonzalez, 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. In November 2008, I submitted a declaration in support of the motion to compel arbitration submitted by AT&T Mobility LLC ("ATTM") in this action. I submit this supplemental declaration to inform this Court of additional information concerning plaintiff Avi Koschitzki's account.
- 4. In my previous declaration, I stated that Mr. Koschitzki activated his Sony Ericsson W580i cellular phone using ATTM's telephone Interactive Voice Response ("IVR")

system on August 29, 2008 to accept a new wireless service agreement. Attached as Exhibit 1 is a true and correct printout (with some information redacted to protect Mr. Koschitzki's confidential information) of relevant computer-generated entries from Mr. Koschitzki's account notes on ATTM's system. These entries reflect that the terms and conditions for the wireless service agreement he accepted on that date were "IVR Accepted."

5. According to ATTM's records, on December 31, 2008, Mr. Koschitzki used ATTM's web site to order a Blackberry Curve cellular phone and activate it for use with ATTM's network by accepting a new wireless service agreement. Attached as Exhibit 2 is a true and correct printout (with some information redacted to protect Mr. Koschitzki's confidential information) of relevant computer-generated entries from Mr. Koschitzki's account notes on ATTM's system. These entries reflect that the terms and conditions for his wireless service agreement were "Web Accepted."

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 23, 2009, at Sacramento, California.

Caroline Mahone-Gonzalez