

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

Plaintiff,

- against -

APPLE INC. and AT&T MOBILITY LLC,

Defendants.

Civil Action No. 08 Civ. 4451 (JBW) (VVP)

**DECLARATION OF JAMIE A. LEVITT
IN SUPPORT OF DEFENDANT APPLE
INC.'S MOTION TO STRIKE**

I, Jamie A. Levitt, hereby declare, pursuant to 28 U.S.C. 1746:

1. I am an attorney admitted to practice in the State of New York and before this Court, and Partner of the law firm of Morrison & Foerster LLP.
2. I submit this declaration in support of Defendant Apple Inc.'s Motion to Strike.
3. Attached as Exhibit A hereto is a true and correct copy of the Amended Complaint, Case No. 08 Civ. 4451 (JBW) (VVP), filed by Plaintiff Avi Koschitzki ("Koschitzki") on November 12, 2008 in the United States District Court of the Eastern District of New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 24th day of November, 2008, in New York, New York.

/s/ Jamie A. Levitt
Jamie A. Levitt