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THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN MCCLINTIC, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

LITHIA MOTORS, INC.,

Defendant.

No. 11-cv-00859-RAJ

**DECLARATION OF THOMAS
LEONARD**

I, Thomas Leonard, hereby declare as follows:

1. I am over the age of 18 years and am otherwise competent to testify in this proceeding. I make this declaration based upon my personal knowledge and belief of the facts asserted herein.

2. I am the Chief Information Officer at DME Automotive, Inc. ("DME"). I have been employed by DME for over six years. My duties and responsibilities include the development and management of client database systems and applications.

3. I am familiar with the text messaging services that DME provided for Lithia. I assisted in assembling a database containing the last-known names, addresses and cell phone numbers of persons to whom notices of the class settlement in *McClintic v. Lithia* were sent. This data was provided to Garden City Group, the settlement administrator.

DECLARATION OF THOMAS LEONARD - 1
No. 11-cv-00859-RAJ

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98101-2338
206.223.7000 FAX: 206.223.7107

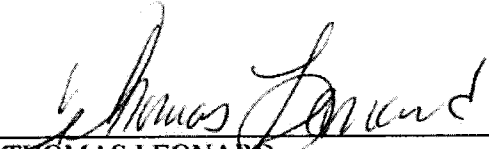
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4. Text delivery disposition was not maintained by DME. As such, and subsequent to the filing of this lawsuit, DME requested and ultimately received text disposition information from 3Cinteracitve ("3Ci"). 3Ci is a former text delivery vendor of DME, and it took an extended period of time to receive text disposition information from 3Ci. Following that, DME conducted an extensive reconciliation and analysis of 3Ci's data. DME was ultimately able to conclude that text messages sent on behalf of Lithia were successfully transmitted to 59,178 unique cellular telephone numbers. We sent the database of last known contact information associated with those 59,178 cellular telephone numbers to counsel for delivery to Garden City Group, the settlement administrator.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 28th day of September 2012, at Jacksonville, Florida.


THOMAS LEONARD

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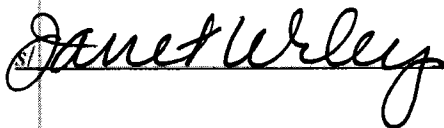
CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington, that on September 28, 2012, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to all CM/ECF participants and any non-CM/ECF participants will be served in accordance with the Federal rules of Civil Procedure.

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- by CM/ECF
- by Electronic Mail
- by Facsimile Transmission
- by First Class Mail
- by Hand Delivery
- by Overnight Delivery

Executed on 28 day of September, 2012, at Seattle, Washington.



DECLARATION OF THOMAS LEONARD - 3
No. 11-cv-00859-RAJ

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