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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 TASH HEPTING, GREGORY HICKS,)
CAROLYN JEWEL and ERIK KNUTZEN, on)
14 Behalf of Themselves and All Others Similarly)
Situating,)
15)
Plaintiffs,)
16)
vs.)
17)
AT&T CORP., et al.)
18)
Defendants.)
19)

No. C-06-00672-VRW

CLASS ACTION

DECLARATION OF DANIEL O'BRIEN IN
SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANT AT&T INC.'S MOTION
TO DISMISS AMENDED COMPLAINT

DATE: June 23, 2006
TIME: 9:30 a.m.
COURTROOM: Hon. Vaughn Walker

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1 I, Daniel O'Brien, hereby declare:

2 1. I am not a party to this action. I am of legal age, am a resident of California and am a
3 staff member of the Electronic Frontier Foundation, co-counsel for plaintiffs in this action. I have
4 personal knowledge of the matters stated in this declaration and if called upon to do so, I could and
5 would competently testify thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of a web session I completed
7 online, via a web browser, on May 10, 2006. I was in San Francisco, California when I conducted
8 this web session. It records a successful attempt to place an order for an SBC phone line, and
9 international and long distance telephone service.

10 3. My personal information (home address, telephone numbers, social security number,
11 credit card number, and birth date) have been redacted from the filed version of this Declaration for
12 privacy reasons. However, I entered my birth date incorrectly on one screen, which caused a page to
13 be displayed that says, in effect, that I could not set up an account if I was under 18. I corrected the
14 mistake, then proceeded with the rest of the process.

15 4. Attached hereto as Exhibits B, C and D are true and correct copies (except for
16 personal information redaction) of the three email messages I received from SBC, confirming my
17 order.

18 5. I declare that I received no other information or communication from AT&T in the
19 pursuit of placing this order for an SBC phone line, and international and long distance telephone
20 service.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct. Executed this 5th day of June, 2006, at San Francisco, California.

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25 _____
26 DANIEL O'BRIEN

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CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/
MARIA V. MORRIS

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I, Maria V. Morris, am the ECF User whose ID and password are being used to file this DECLARATION OF DANIEL O'BRIEN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT AT&T INC.'S MOTION TO DISMISS AMENDED COMPLAINT. In compliance with General Order 45, X.B., I hereby attest that Daniel O'Brien has concurred in this filing.

DATED: June 6, 2006

/s/
MARIA V. MORRIS

Electronic Mail Notice List

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Manual Notice List

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