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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

(San Francisco Division)

TASH HEPTING, *et al.*, ,

Plaintiffs,

v.

AT&T CORP., *et al.*,

Defendants.

THIS DOCUMENT RELATES TO:

Roe, et al. v. AT&T Corp., et al., case no. C-06-03467 MMC

Case No. C-06-0672-VRW

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED

The Honorable Vaughn R. Walker

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

Pursuant to Local Rule 3-12, plaintiffs Benson B. Roe and Paul Goltz respectfully submit this administrative motion to consider whether a case filed in this District, *Roe, et al. v. AT&T Corp., et al.*, case no. C-06-03467-MMC (filed May 30, 2006) ("*Roe*"), should be related to another case filed in this District, *Hepting, et al. v. AT&T Corp. et al.*, case no. C-06-0672-VRW ("*Hepting*").

Pursuant to Local Rule 3-12(d)(2), plaintiffs state that *Roe* names the same defendants as named in *Hepting* (*i.e.*, AT&T Corp. and AT&T Inc.) and that both *Roe* and *Hepting* allege that these defendants violated federal communications statutes and the California Unfair Competition Law by illegally providing the federal government with AT&T's customers' telecommunications records. (*Roe* names additional AT&T corporate entities.) Plaintiffs in *Roe* and *Hepting* raise causes of actions for violations of 28 U.S.C. § 2702, 47 U.S.C. § 605, and California Bus. & Prof. Code §§17200, *et seq*. (*Hepting* includes additional causes of action that *Roe* does not include.)

Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if the cases are conducted before different Judges.

Dated: June 5, 2006

Respectfully submitted,

By: */s/ Eric B. Fastiff*
Eric B. Fastiff

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PROOF OF SERVICE BY OVERNIGHT DELIVERY

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Embarcadero Center West, 275 Battery Street, 30th Floor, San Francisco, California 94111-3339. On June 5, 2006, I caused to be deposited with Federal Express, a true and correct copy of the within documents:

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED

in a sealed envelope, addressed to the parties in *Roe, et al. v. AT&T Corp., et al.*, case no. C 06-03467 MMC as follows:

AT&T CORP. c/o CT Corporation System 818 West Seventh St. Los Angeles, CA 90017 AT&T COMMUNICATIONS OF CALIFORNIA, INC. c/o CT Corporation System 818 West Seventh St. Los Angeles, CA 90017 SBC LONG DISTANCE, LLC c/o CT Corporation System 818 West Seventh St. Los Angeles, CA 90017	PACIFIC BELL TELEPHONE COMPANY c/o CT Corporation System 818 West Seventh St. Los Angeles, CA 90017 AT&T INC. c/o CT Corporation System 350 N. St. Paul Dallas, TX 75201

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare that I am a member of the bar of this court at whose direction the service was made.

Service on the parties to *Hepting, et al. v. AT&T Corp. et al.*, case no. C-06-0672-VRW was made by electronic filing using the Court's CM/ECF system.

Executed on June 5, 2006, at San Francisco, California.

\s\ *Barry R. Himmelstein*
Barry R. Himmelstein