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14 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

15 DUANE WATERS, DEBRA TURNER)
16 and RUDY FAJARDO, on behalf of)
17 themselves, all others similarly situated)
and the general public,)
18 Plaintiffs,)
19 vs.)
20 AT&T SERVICES, INC. (formerly SBC)
Services, Inc.) and DOES 1 through 10;)
21 Defendants.)
22)
23)
24)
25)
26)
27)
28)

Case No: CV 09-3983 BZ

**DECLARATION OF DUANE WATERS IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND MOTION FOR
AWARD OF ATTORNEYS' FEES, COSTS,
CLAIMS ADMINISTRATION EXPENSES
AND CLASS REPRESENTATIVE
ENHANCEMENTS**

**Date: February 9, 2011
Time: 10:00 a.m.
Courtroom: G**

1 I, Duane Waters, declare as follows.

- 2 1. I am one of the Class Representatives in the above captioned action. I have
3 personal knowledge of the facts set forth herein, (except where indicated upon
4 information and belief) and if called as a witness, could and would testify
5 competently thereto. I am making this Declaration in support of Plaintiffs'
6 Motion for Final Approval and Motion for Award of Attorney Fees and Costs,
7 Claims Administration Expenses and Class Representative Enhancement.
- 8 2. Without revealing any confidential information, I can state, without any
9 hesitancy, that from the time of the filing of this lawsuit, and continuing after its
10 settlement, I regularly expended effort on behalf of the class and this litigation.
- 11 3. In order to determine how much time I spent working on behalf of my
12 employers during the years previous to the filing of the lawsuit, it was necessary
13 for me to go back and review many documents and email, and to find such
14 documents in an attempt to make such a compilation.
- 15 4. As I was claimed to be exempt by my employer, prior to the commencement
16 of this case, I did not keep track of my time. Thus it was also necessary for me to
17 review whatever documentation I had available, or was provided to me, e.g.,
18 emails, spreadsheets, or correspondence, to determine how much time I had, in
19 fact, worked during that period.
- 20 5. Further, our attorneys, and specifically Mr. Falvey and his staff, were
21 constantly updating us with information, and seeking our take on what they were
22 being informed of, and or learning, as the case progressed. I know that I
23 personally spent an average of about five to six hours a month on the case, and in
24 all probability either generated emails in contacting numerous peers every month,
25 all relating to the case up through the current time.
- 26 6. At the beginning of the case, I met with Attorney Falvey to discuss the factors

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28 Declaration of Duane Waters in support of Plaintiffs' Motion for Final Approval of Class Action
and Motion for Award of Attorney Fees and Costs, etc

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1 going on in the case.

2 7. As I was one of the lead plaintiffs, after the case was filed, people approached
3 me often, asking about the status of the case.

4 8. In order to assist the class members, I also undertook to locate them, because
5 many had moved to other locations, often because of having been terminated
6 from AT&T. I tried to find them by contacting other class members, as well as
7 former employees of AT&T who were not in the class. I tried to find them
8 through other means, as well, such as using director assistance, or
9 whitpages.com, etc. I estimate that I incurred in excess of 85 hours in helping
10 counsel in this case.

11 9 Since the case has been filed, I realize that it's possible, because of my
12 involvement in this case, that the fact that I filed suit against AT&T could be
13 found by someone utilizing a search engine.

14 10. That fact concerns me, especially in terms of being eligible for rehire at a
15 later time.

16 I declare under penalty of perjury that under the laws of the State of
17 California that the foregoing is true and correct.

18 Executed on Dec. 21, 2010, in San Francisco,
19 California.

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21 Duane Waters
22 Signature
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28 Declaration of Duane Waters in support of Plaintiffs' Motion for Final Approval of Class Action
and Motion for Award of Attorney Fees and Costs, etc.