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13 **UNITED STATES DISTRICT COURT**
14 **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.)

Case No: CV 09-3983 BZ

**DECLARATION OF RUDY FAJARDO 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**

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1 I, Rudy Fajardo, 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. I first met with Mr. Falvey at his office regarding this case in July, 2009. I
9 was employed and live in the San Diego area, but was concerned about the fact
10 that I had worked for AT&T Services, Inc., and was not paid overtime, but then
11 AT&T decided to change its policies to declare that my job title, that of Senior
12 Database Administrator, was a non-exempt title instead of exempt.

13 3. Without revealing any confidential information, I can state, without any
14 hesitancy, that from before the time of the filing of this lawsuit, and continuing
15 after its settlement, I have regularly expended effort on behalf of the class and
16 this litigation.

17 4. While I was not called upon to assist in the case every month, I was asked for
18 information and/or sought out and tried to obtain information on an average of
19 almost twice a month when asked to do so.

20 5. Nevertheless, for those I knew, I contacted them, and asked them to assist in
21 finding other class members as well.

22 6. I estimate that over the period during which I was involved, approximately 18
23 months, from the filing of the First Amended Complaint, to the completion of the
24 claim form date, I incurred an average of more than three hours of time per
25 months in work on behalf of the class. Mr. Falvey was continually asking me
26 names of individuals, and while I tried to find those I knew, I was unaware of

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

1 most of the people whose names he provided.

2 7. In order to determine how much time I spent working on behalf of my
3 employers during the years previous to the filing of the lawsuit, it was necessary
4 for me to go back and review many documents and email, and to find such
5 documents in an attempt to make such a compilation.

6 8. As I was claimed to be exempt by my employer, prior to the commencement
7 of this case, I did not keep track of my time. Thus it was also necessary for me to
8 review whatever documentation I had available, or was provided to me, e.g.,
9 emails, spreadsheets, or correspondence, to determine how much time I had, in
10 fact, worked during that period.

11 9. Further, our attorneys, and specifically Mr. Falvey and his staff, were
12 constantly updating us with information, and seeking our take on what they were
13 being informed of, and or learning, as the case progressed

14 10. As I was one of the lead plaintiffs, after the case was filed, people contacted
15 me from time to time, asking about the status of the case.

16 11. Ever since the case was filed, I have been asked about its status, its progress,
17 and various details which might or might not effect each of my fellow employees.

18 12. In order to assist the class members, I also undertook to locate them, because
19 many had moved to other locations, when they ceased working for AT&T. I tried
20 to find them by contacting other class members, as well as former employees of
21 AT&T who were not in the class. I tried to find them through other means, as
22 well, such as using directory assistance, or whitepages.com, etc.

23 13. I am aware that this case is a publicly filed document, and I'm aware that
24 people can search the internet and find out that I sued my former employer,
25 AT&T.

26 14. In spite of this concern, I decided to join this case to seek to obtain the relief

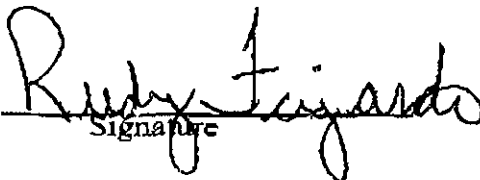
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28 Declaration of Rudy Fajardo in support of Plaintiffs' Motion for Final Approval of Class Action
and Motion for Award of Attorney Fees and Costs, etc.

1 I felt was due me and my fellow employees.

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

4 Executed on 20 DEC., 2010, in SAN DIEGO,
5 California.

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8 Signature
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28 Declaration of Rudy Fajardo in support of Plaintiffs' Motion for Final Approval of Class Action
and Motion for Award of Attorney Fees and Costs, etc.