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13 *Class Counsel*

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 IN RE TRACFONE UNLIMITED  
18 SERVICE PLAN LITIGATION  
19

Lead Case No. 13-cv-03440-EMC

Consolidated Cases:  
13-cv-05295-EMC  
13-cv-05296-EMC  
14-cv-01347-EMC  
20

21 **DECLARATION OF CHRISTOPHER**  
**VALDEZ IN SUPPORT OF MOTION FOR**  
**AWARD OF ATTORNEYS' FEES AND**  
**EXPENSES AND FOR SERVICE**  
**AWARDS FOR PLAINTIFFS**  
22  
23

24 Date: June 23, 2015  
25 Time: 2:30 p.m.  
Judge: Hon. Edward M. Chen

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1 I, Christopher Valdez, declare as follows:

2 1. I am one of the named plaintiffs and class representatives in the above-captioned  
3 case. I submit this declaration in support of Plaintiffs' motion for final approval of class action  
4 settlement and in support of the request for service awards. The facts set forth herein are true and  
5 based on my own personal knowledge, except where based upon a review of the relevant  
6 pleadings and records. I have personal knowledge of the facts set forth herein, and if called to  
7 testify thereto, I could and would do so competently.  
8

9 2. On January 9, 2013, having seen representations in my local Walmart store for a  
10 Straight Talk "unlimited" mobile phone plan, and based primarily on the promise of the plan  
11 including "unlimited" data, I purchased a Straight Talk SIM card and a Straight Talk "unlimited"  
12 30-Day service plan from TracFone's website straighttalk.com. Within three weeks of activating  
13 the Straight Talk plan, I was surprised to find that my data service was throttled to extremely slow  
14 speeds, and then cut-off altogether, with no notice, after using less than one gigabyte of data. I  
15 complained to Straight Talk customer service, and they refused to reinstate my data and also  
16 refused to answer my question whether there was in fact a data limit for my "unlimited" data  
17 plan. I immediately transferred my phone service to another provider. Based on my experience I  
18 decided to file a lawsuit against Defendants and agreed to be a class representative in this case,  
19 undertaking the burdens and risks associated with litigation, to help put a stop to what I believed  
20 were Defendants' wrongful and deceptive practices.  
21  
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23 3. Pursuant to my duties as a plaintiff and class representative, I have been actively  
24 engaged in this case. Among other things, I have provided information to my attorneys about my  
25 experience, reviewed the allegations in the complaint, reviewed other pleadings filed in the case,  
26 and consulted with Class Counsel multiple times during the course of the case, staying updated  
27 about the status of the case and the settlement negotiations. In all, although I have not maintained  
28

1 records of the time spent participating in this case, I estimate that I spent approximately 18 hours  
2 working on this case.

3 4. I reviewed the settlement agreement and discussed the settlement agreement terms  
4 with Class Counsel. Based on my personal experience regarding my purchase of a Straight Talk  
5 “unlimited” service plan and subsequent data throttling and suspension, and on my involvement  
6 in this lawsuit, I believe that the settlement is fair, reasonable, adequate and in the best interests of  
7 the respective class members.  
8

9 5. I have never been promised any compensation for performing my duties as a  
10 plaintiff and class representative. I understand, however, that the parties have requested the Court  
11 to award me \$2,500 for my time and efforts on behalf of the class. I will be most appreciative if  
12 the Court determines that my efforts on behalf of the Class in commencing and assisting with the  
13 prosecution of this action warrant an award in that amount.  
14

15 6. I also support Class Counsel’s request for attorney’s fees and costs. I have been  
16 impressed by the representation Class Counsel provided to me and other class members. The  
17 lawyers I have communicated with have always been professional, and made sure to keep me  
18 informed about the status of the litigation. I am very appreciative for the results Class Counsel’s  
19 efforts achieved.  
20

21 I declare under penalty of perjury that the foregoing is true and correct and that this  
22 Declaration was signed in San Diego, California on April 16, 2015.  
23

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25   
26 CHRISTOPHER VALDEZ  
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