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23 UNITED STATES DISTRICT COURT
24
25 NORTHERN DISTRICT OF CALIFORNIA
26

27 IN RE TRACFONE UNLIMITED
28 SERVICE PLAN LITIGATION

Lead Case No. 13-cv-03440-EMC

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

**DECLARATION OF EDWARD TOOLEY
IN SUPPORT OF MOTION FOR AWARD
OF ATTORNEYS' FEES AND EXPENSES
AND FOR SERVICE AWARDS FOR
PLAINTIFFS**

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

1 I, Edward Tooley, 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.

9 2. In February 2013, having seen representations for a Straight Talk "unlimited"
10 mobile phone plan, and based primarily on the promise of the plan including "unlimited" data, I
11 purchased a Straight Talk SIM card from TracFone's website straighttalk.com, and purchased a
12 Straight Talk "unlimited" service plan from my local Walmart store. I was surprised to find my
13 data service throttled, and then entirely terminated, more than once after activating the service. I
14 spent hours on the phone with Straight Talk customer service over the span of multiple phone
15 calls, and I was unable to get a straight answer on why my data had been cut-off. I transferred my
16 phone service to another provider. Based on my experience I decided to file a lawsuit against
17 Defendants and agreed to be a class representative in this case, undertaking the burdens and risks
18 associated with litigation, to help put a stop to what I believed were Defendants' wrongful and
19 deceptive practices.

21 3. Pursuant to my duties as a plaintiff and class representative, I have been actively
22 engaged in this case. Among other things, I have provided information to my attorneys about my
23 experience, reviewed the allegations in the complaint, and consulted with Class Counsel multiple
24 times during the course of the case, staying updated about the status of the case and the settlement
25 negotiations. In all, although I have not maintained records of the time spent participating in this
26 case, I estimate that I spent approximately 9 hours working on this case.

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

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

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

I declare under penalty of perjury that the foregoing is true and correct and that this

19 Declaration was signed in HONOLULU, HAWAII on
20 (City) (State)

21 April 17, 2015.
22

23 
24 EDWARD TOOLEY