

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

<p>DAVID DATE, JR.,</p> <p align="right">Plaintiff,</p> <p align="center">v.</p> <p>SONY ELECTRONICS, INC. and ABC APPLIANCE, INC. d/b/a/ ABC WAREHOUSE,</p> <p align="right">Defendants.</p>	<p>Case No. 2:07-cv-15474-PDB-RSW</p> <p>Hon. Paul D. Borman</p> <p>Date: March 17, 2008 Time: 11:00 a.m.</p>
<p>Nancy Sher Cohen Ronald A. Valenzuela HELLER EHRMAN LLP 333 South Hope Street, 39th Floor Los Angeles, CA 90071-3043 (213) 689-0200</p> <p>Attorneys for Sony Electronics Inc. and ABC Appliance, Inc.</p> <p>Richard Zuckerman HONIGMAN MILLER SCHWARTZ AND COHEN LLP 2290 First National Building Detroit, Michigan 48226 (313) 465-7618</p> <p>Attorneys for Sony Electronics Inc.</p>	<p>Lance A. Raphael THE CONSUMER ADVOCACY CENTER, P.C. 180 West Washington Street, Suite 700 Chicago, IL 60602 (312) 782-5808</p> <p>Alan Mansfield John Hanson ROSNER & MANSFIELD, LLP 10085 Carroll Canyon Road, First Floor San Diego, CA 92131 (858) 348-1005</p> <p>Dani K. Liblang LIBLANG & ASSOCIATES, P.C. 260 East Brown Street, Ste. 320 Birmingham, MI 48009</p> <p>Attorneys for David Date, Jr.</p>

**DECLARATION OF ALAN M. MANSFIELD IN SUPPORT OF
APPLICATION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

I, Alan M. Mansfield, declare as follows:

1. I am an attorney at law duly admitted to practice before the courts of the State of California and am submitting a pro hac vice application. I am a partner with the law firm of Rosner & Mansfield LLP, one of the attorneys of record for plaintiff in this action.

2. I, along with Lance Raphael, was one of the principal counsel directly involved in the negotiation over the terms of this settlement, I have personal knowledge of the matters set forth in this Declaration filed in support of the parties' Joint Application for Entry of Order Preliminarily Approving Settlement and the Class Notice Program. If called to testify, I could and would competently testify to the following facts stated herein.

3. Attached hereto as Exhibit 1 is a true and correct copy of my curriculum vitae, highlighting some of my experience in handling class action litigation. My firm has been routinely approved as class counsel, both as part of a settlement and in litigated class certification motions. My firm has already invested significant time and resources to date investigating and litigating the potential claims in this action, and will continue to do so as needed. This includes drafting and investigating the claims asserted in the original and amended complaints, opposing various motions to dismiss directed at the pleadings, retaining an expert and consultant on these issues, and being actively involved in settlement negotiations with Defendants over the last six months. My firm has already expended or committed to expend hundreds of attorney hours and over \$10,000.00 in litigation expenses in investigating, litigating and resolving the claims at issue in this action.

4. This case has been actively litigated since its inception in April 2007. Extensive motion practice was engaged in by both sides, and both informal

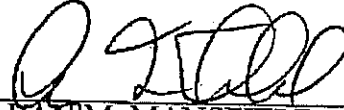
discovery and formal deposition discovery was conducted prior to agreeing to the terms of this settlement as set forth in the Settlement Agreement and Release.

5. Since August 2007 as part of the settlement negotiation process, the parties negotiated directly on at least a monthly and up to a daily basis, and also used the services of retired California Court of Appeal Justice Howard Wiener as a mediator. The parties had two face-to-face meetings with Judge Wiener in late January 2008, which culminated in an agreement in principle. The parties thereafter negotiated and executed a Term Sheet effective as of February 4, 2008. Justice Wiener was made familiar with the claims and contentions of the parties through that process, as well as the strengths and weaknesses of the claims and defenses of both sides, and was able to use that knowledge to help the parties settle this case. The parties therefore engaged in negotiations, assisted by Judge Wiener, where all parties, the counsel, and the mediator were well-informed of all relevant facts and acted in a manner that ensured such negotiations were at arms-length and were non-collusive. Justice Wiener has indicated he is available to the Court to answer any inquiries the Court may have regarding the settlement terms and the negotiation process. The fee and expense provisions of the settlement were deferred until after the other principal terms and conditions of the settlement had been agreed to by the parties in principle, so as to ensure there was no conflict between the negotiations over the principal terms of the settlement and any fee negotiations.

6. Even after the settlement was agreed to in principle through the term sheet, the parties exchanged several drafts of the settlement documentation and held continued protracted negotiations on the precise settlement terms and the logistics of the settlement and its implementation, which took another month to

complete. These facts further show the arms-length, non-collusive nature of these settlement negotiations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 10th day of March, 2008 at San Diego, California.



ALAN M. MANSFIELD
Declarant

CERTIFICATE OF SERVICE

I, Debora Biggers, declare as follows:

I am employed with the law firm of Heller Ehrman LLP, whose address is 333 South Hope Street, 39th Floor, Los Angeles, CA 90071-3043. I am readily familiar with the business practices of this office for collection and processing of correspondence for mailing with the United States Postal Service; I am over the age of eighteen years and not a party to this action.

I hereby certify that on March 12, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of each filing to the following: **Dani K. Liblang, Douglas C. Salzenstein and Richard E. Zuckerman** and I hereby certify that I have mailed by United States Postal Service the pages to the following non-ECF participants:

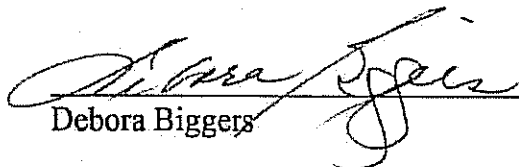
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I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Los Angeles, California on March 12, 2008.


Debora Biggers

Heller Ehrman LLP
333 South Hope Street, 39th Floor
Los Angeles, CA 90071-3034
Telephone: (213) 689-0200

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

INDEX OF EXHIBITS
Declaration of Alan M. Mansfield

Exhibit

Title/Description

1

Curriculum Vitae of Alan M. Mansfield

EXHIBIT 1

ALAN M. MANSFIELD
ROSNER & MANSFIELD LLP
10085 Carroll Canyon Rd., First Floor
San Diego, CA 92131
(858) 348-1005

Attorney Alan M. Mansfield received his B.S. degree, *cum laude*, in Business Administration - Finance from California Polytechnic State University, San Luis Obispo in 1983 and his *Juris Doctorate* degree from the University of Denver School of Law in 1986. He is admitted to the bar of the State of California, to the United States District Courts for all Districts of California and to the Third, Fifth, Ninth and Tenth Circuit Courts of Appeal.

Mr. Mansfield has specialized in the area of national consumer class action and public interest litigation since 1991. He has been involved over the years in numerous significant matters, including the Joe Camel teen smoking case, *Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, and the DMV motor vehicle Smog Impact Fee refund case (*Jordan v. Department of Motor Vehicles* (1999) 75 Cal.App.4th 449). Mr. Mansfield joined the firm in 2001, having been responsible for several years for the consumer law group in the San Diego office of the largest class action firm in the United States, Coughlin Stoia Robbins Geller & Rudman. His present clients include the public interest groups the Utility Consumers' Action Network ("UCAN") and the Privacy Rights Clearinghouse.

Mr. Mansfield was recently one of the lead counsel in the *Garrett v. City of Escondido* action in the United States District Court for the Southern District of California, which successfully challenged the legality of Escondido's anti-immigration landlord-tenant enforcement ordinance. Based on that case and other work both he and his firm has performed in the community, his firm was awarded the 2007 Public Service by A Law Firm Award by the San Diego County Bar Association.

Since joining the firm, Mr. Mansfield has litigated a variety of class and private Attorney General actions to successful resolution in both federal and state court, including a class action involving billing customers for previously promised airtime, resulting in a class action settlement that resulted in the ability of over 1 million customers to claim full reimbursement for the uncredited airtime (*Nelson v. Virgin Mobile*, Case No. 05-CV-1594-AJB (U.S. District Court, Southern District of California)); an action involving the unauthorized billing of consumers for Internet dial-up service that resulted in full refunds of over \$1 million, significant practice changes and financial contributions to the California Consumer Protection Foundation (*UCAN v. Prodigy Communications*, San Diego Superior Court Case No. GIC 779435); a case challenging Sprint's failure to provide a cancellation window when it imposed certain additional fees against customers in July 2003, resulting in a class-wide settlement returning Early Termination Fees that had been charged consumers, as well as improving certain disclosure practices (*UCAN v. Sprint Spectrum LP*, San Diego Superior Court Case No. GIC 814461) and, most recently, in *UCAN v. PowerNet Global Telecommunications*, U.S. District Court, Southern District of California, Case No. 06-cv-1773-H (RBB), where the action challenged a practice of charging a "Network Access Charge" as a tax when it was not, PowerNet agreed to recalculate and classify

such fees and a class-wide resolution where current customers were able to obtain bill credits for a significant portion of such charges and former customers could obtain cash refunds or calling cards for such amounts, at the customers' option. The firm also represented UCAN in an action before the California Public Utilities Commission involving billing for Early Termination Fees, resulting in a refund of over \$18 million in fees to over 100,000 former Cingular Wireless customers (*In Re Cingular Wireless*, CPUC Case No. I.02-06-003).

Mr. Mansfield is a regular speaker and panelist in continuing legal education programs relating to California's consumer protection statutes, including making presentations to the California Center for Judicial Education and Research (July 2001), the Privacy Foundation (February 2007 and October 2005) and the Naval College for JAG Officers (May 2004). He was also a panelist in February 2008 for a Lexis-Nexis conference entitled "Weathering Mass Tort and Class Action Settlements and Negotiations" He has written extensively on a number of subjects, including a chapter and update on the scope of the Consumers Legal Remedies Act in *Anti-Trust and Unfair Competition Law - Third*, published by the California Bar Association; "Is Your Client Prepared to Comply With the Data Security Breach Notification Laws?", San Diego Association of Business Trial Lawyers Report (Spring 2007); "Has The Class Certification Inquiry Changed Due To Proposition 64?", State Bar of California Anti-Trust and Unfair Competition Section (May 2005); "Hartwell: Are Courtroom Doors Open To Litigation Involving Regulated Industries?", San Diego ABTL Report (August 2002); "Litigation Issues Arising from the Use of Websites," Practising Law Institute (April 2001); "Kraus, Cortez and Future Battlegrounds In Representative Actions Under the Unfair Competition Law," Consumer Attorneys of California Forum (July/August 2000) (co-authored with Mark A. Chavez); "Private Enforcement of California's Consumer Protection Unfair Business Practices Act," CAOC Annual Meeting (November 1997); "Life After *BMW v. Gore* - Who Is Now The Trier of Fact?," PLI (Fall 1997).

Mr. Mansfield is the current editor of the ABTL newsletter for the San Diego Chapter of the Association of Business Trial Lawyers and on its Board of Governors, has previously served on the Board of Directors of the National Association for Consumer Advocates, and is a current member of the American Bar Association, the Anti-trust Section of the California Bar Association, the San Diego County Bar Association, the Federal Bar Association, the Consumer Attorneys of California and San Diego, and the William B. Enright Inn of Court, and is an alternate Lawyer Representative for the Southern District of California at the Ninth Circuit Judicial Conference.