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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE TRACFONE UNLIMITED  
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 MARSHALL TIETJE  
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, Marshall Tietje, 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. In July 2013, having seen representations for a Net10 "unlimited" mobile phone  
10 plan, and based primarily on the promise of the plan including "unlimited" data, I purchased a  
11 Net10-branded LG Optimus smartphone from a local Kmart store and signed up for a Net10  
12 "unlimited" data plan. I was later surprised to find my data service terminated. I called customer  
13 service to complain, and the representative refused to restore my data service, told me my data  
14 would be restored after I paid for another month of service, and then, when I asked to speak to a  
15 supervisor, the agent transferred me to a "High Data Usage Hotline" recorded message. I  
16 transferred my phone service to another provider. Based on my experience I decided to file a  
17 lawsuit against Defendants and agreed to be a class representative in this case, undertaking the  
18 burdens and risks associated with litigation, to help put a stop to what I believed were  
19 Defendants' wrongful and deceptive practices.  
20


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 8 hours working on this case.  
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MARSHALL TIETJE