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23 UNITED STATES DISTRICT COURT
24
25 NORTHERN DISTRICT OF CALIFORNIA
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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 MARISHA
JOHNSTON 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, Marisha Johnston, 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 March 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 SIM card from a local Kmart store and signed up for a Net10 “unlimited” data plan. I was
12 later surprised to find my data service terminated. I called customer service to complain, and was
13 transferred to a “High Data Usage Hotline” recorded message. Based on my experience I decided
14 to file a lawsuit against Defendants and agreed to be a class representative in this case,
15 undertaking the burdens and risks associated with litigation, to help put a stop to what I believed
16 were Defendants’ wrongful and deceptive practices.

18 3. Pursuant to my duties as a plaintiff and class representative, I have been actively
19 engaged in this case. Among other things, I have provided information to my attorneys about my
20 experience, reviewed the allegations in the complaint, and consulted with Class Counsel multiple
21 times during the course of the case, staying updated about the status of the case and the settlement
22 negotiations. In all, although I have not maintained records of the time spent participating in this
23 case, I estimate that I spent approximately 8 hours working on this case.

25 4. I reviewed the settlement agreement and discussed the settlement agreement terms
26 with Class Counsel. Based on my personal experience regarding my purchase of a Net10
27 “unlimited” service plan and subsequent data termination, and on my involvement in this lawsuit,
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1 I believe that the settlement is fair, reasonable, adequate and in the best interests of the respective
2 class members.

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

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

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15 I declare under penalty of perjury that the foregoing is true and correct and that this
16 Declaration was signed in Hollister, California on April 16th, 2015.

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19 MARISHA JOHNSTON

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