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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 (San Francisco Division)

13 TASH HEPTING, *et al.*,
14 Plaintiffs,
15 v.
16 AT&T CORP., *et al.*,
17 Defendants.

Case No. C-06-0672-VRW

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

The Honorable Vaughn R. Walker

18 THIS DOCUMENT RELATES TO:
19 *Spielfogel-Landis v. MCI, LLC*,
20 case no. C-06-4221 MJJ

21
22 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

23 Pursuant to Local Rule 3-12, plaintiff Elaine Spielfogel-Landis respectfully
24 submits this administrative motion to consider whether a case filed in this District, *Spielfogel-*
25 *Landis v. MCI, LLC*, case no. C-06-4221 MJJ (filed July 7, 2006) ("*Spielfogel-Landis*"), should
26 be related to another case filed in this District, *Hepting, et al. v. AT&T Corp. et al.*, case no. C-06-
27 0672-VRW ("*Hepting*").

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1 Pursuant to Local Rule 3-12(d)(2), plaintiffs state that *Spielfogel-Landis* and
2 *Hepting* actions allege that different defendants violated the same federal communications
3 statutes and the California Unfair Competition Law by illegally providing the federal government
4 with their customers' telecommunications records. Plaintiffs in *Spielfogel-Landis* and *Hepting*
5 raise causes of actions for violations of 28 U.S.C. § 2702, 47 U.S.C. § 605, and California Bus. &
6 Prof. Code §§17200, *et seq.* (*Hepting* includes additional causes of action that *Spielfogel-Landis*
7 does not include.)

8 This Court previously related *Riordan, et al. v. Verizon Communications, Inc.*,
9 Case No. C-06-3574-VRW ("*Riordan*") to *Hepting*. *Riordan* alleges Verizon also illegally
10 provided the federal government with Verizon's customers' communication records. The
11 *Hepting* action alleges that various AT&T corporate entities provided the federal government
12 with their customers' telecommunications records. The *Spielfogel-Landis* action is brought
13 against MCI, LLC, which is currently owned by Verizon, and alleges MCI illegally provided the
14 federal government with MCI's customers' communication records. For the reasons that the
15 Court related the *Riordan* action to *Hepting*, different defendants following the same alleged
16 illegal conduct, the Court should also relate *Spielfogel-Landis* to *Hepting*.

17 Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an unduly
18 burdensome duplication of labor and expense or the possibility of conflicting results if the cases
19 are conducted before different Judges.

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Dated: July 11, 2006

Respectfully submitted,

By: /s/ Eric B. Fastiff
Eric B. Fastiff

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PROOF OF SERVICE

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Embarcadero Center West, 275 Battery Street, 30th Floor, San Francisco, California 94111-3339. On July 11, 2006, I caused to be served by hand delivery a true and correct copy of the within document :

**ADMINISTRATIVE MOTION TO CONSIDER WHETHER
CASE SHOULD BE RELATED**

by delivering copies thereof to:

MCI, LLC
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

I declare that I am a member of the bar of this court at whose direction the service was made.

Service on the parties to *Hepting, et al. v. AT&T Corp., et al.*, case no. C-06-0672-VRW was made by electronic filing using the Court's CM/ECF system.

Executed on July 11, 2006, at San Francisco, California.

/s/ Eric B. Fastiff
Eric B. Fastiff