

November 5, 2008

Via U.S. Mail

Ronald R. Carpenter
Clerk of the Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

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SUPREME COURT
STATE OF WASHINGTON
2008 NOV -6 A 8:08
BY RONALD R. CARPENTER
CLERK

Re: *Schnall v. AT&T Wireless Servs., Inc.*, No. 80572-5

Dear Mr. Carpenter:

Oral argument was conducted on October 28, 2008 in the above-referenced matter. After conferring with my co-counsel, I wish to clarify any confusion left by my initial responses to Justice Johnson's questions and my follow-up responses to Justice Stephens' questions on the issue of the California class action. As I responded to Justice Stephens, we believe that all issues relating to trial management and handling of the two cases would necessarily fall within the discretion of the trial court after remand under CR 23(c) and will be appropriately raised with the court at that time. At that time, we would seek and the trial court would likely find it to be most appropriate to exclude entirely the claims of the members of the California class. The California action is set to be tried in August and will be fully tried on the merits and resolved by the time this Court renders its decision. I sincerely apologize for any confusion my comments may have caused.

Sincerely,

BRESKIN JOHNSON & TOWNSEND PLLC



David E. Breskin

cc: All counsel of record (via e-mail)