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No. 243991

Washington Court of Appeals, Div 3
By

**COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON**

AT&T CORP.,

Appellant,

v.

MICHAEL McKEE,

Respondent.

**APPEAL FROM THE SUPERIOR COURT
FOR CHELAN COUNTY
HONORABLE JOHN E. BRIDGES**

RESPONDENT'S STATEMENT OF ADDITIONAL AUTHORITIES

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Pursuant to RAP 10.8, Respondent submits this statement of additional authorities to provide the Court with the recent decision in *Kristian v. Comcast Corp.*, --- F.3d ---, 2006 WL 1028758 (1st Cir. April 20, 2006). In *Kristian*, the U.S. Court of Appeals for the First Circuit held that a provision in a cable television company's consumer contract that banned class arbitration was unenforceable because it would prevent customers with small-value, legally complex claims from vindicating their statutory rights. 2006 WL 1028758 at *30. The court held that, if enforced, Comcast's class arbitration ban would shield the company from liability, even where it had violated the law. *Id.* That holding is relevant to Respondent's argument that AT&T's class action ban is substantively unconscionable because it would effectively operate as an exculpatory clause. Br. of Respondent at 35-39.

Respectfully submitted this 3rd day of May, 2006.



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