

Attachment to Kempner Affidavit

Kempner Mobile Electronics, a plaintiff in a lawsuit against Cingular Wireless, Inc. ("Cingular"), a copy of which is attached, was driven out of business as a result of Cingular's misconduct towards Kempner Mobile Electronics. This was confirmed by a jury verdict against in favor of Kempner for, among other things, its claims regarding commission and residuals, fraud, and tortuous interference with prospective economic advantage. The case has now entered a damages phase. If the FCC approves the merger between AT&T and Cingular, Kempner Mobile Electronics will face an even bigger opponent in the lawsuit.