

PENDING LITIGATION

(Response to Question 77)

Parties holding a controlling interest in the Applicant are subject (either directly or indirectly) to the following pending matters.

Rita K. Parrish and Susan Schutz v. Pacific Telesis Group, et al. (Sacramento County Super. Ct.). A suit has been filed in Sacramento County, California state court alleging that the Fresno MSA Limited Partnership and 12 other cellular entities conspired to create a monopoly with respect to the sale of cellular radio services in the state of California. Plaintiffs filed on behalf of themselves and all other cellular service subscribers and resellers in several California SMSA's.

New England Mobile Communications, Inc. d/b/a Kartele v. Bell Atlantic NYNEX Mobile, Inc. (BANM) and Metro Mobile CTS of Fairfield County, Inc. (Metro Mobile) (Conn. Super. Ct.) Kartele, a former agent, alleges Defendant improperly terminated the agency agreement and violated the Connecticut Unfair Trade Practices Act by engaging in below-cost pricing in its own retail stores. Defendant successfully moved to dismiss Plaintiff's breach of contract and promissory estoppel claims; unfair trade practice and Connecticut Franchise Act claims remain. Defendant has served its answer and filed a counterclaim for breach of contract. The case has been transferred to the complex litigation docket and discovery is in progress.

Electronics Store, Inc. v. Cellco Partnership and Cedar Point Federal Credit Union (MD Cir. Ct., St. Mary's Co.) Plaintiff, a former agent, alleges that Defendants committed antitrust violations under Maryland law, breached its agency agreement and interfered with its contracts with cellular customers. Summary judgment for Defendants was reversed in part permitting the case to proceed on breach of contract, implied covenant of good faith and fair dealing and unfair competition theories. Plaintiff has appealed dismissal of antitrust claims. The suit was bifurcated. The liability phase went to trial on July 27, 2000. The jury found for Plaintiff on the breach of contract and tortious interference claims. The damages phase has not yet been scheduled for trial.

H.T. Communications, Inc. f/k/a H.T. Auto v. Bell Atlantic Mobile Systems, Inc. and Cellco Partnership (NJ Super. Ct., Law Div.) Plaintiff, a former agent, filed suit on October 22, 1999, alleging that Defendants breached their agency agreement by failing and refusing to pay all commissions due, anniversary payments and residuals. Plaintiff has brought a number of causes of action, including unfair competition. Defendants' motion to compel arbitration of plaintiff's claim was denied by the trial court. Defendants' motion for leave to appeal that decision is pending.

Your First Choice Communications, Inc. v. Bell Atlantic Mobile, Inc. (D. Mass.)

Plaintiff, a reseller of Defendant's cellular service, alleges that Defendant breached the reseller contract, used deceptive trade practices and attempted to restrain Plaintiff from expanding its business. The complaint was filed in February 2000. Plaintiff's breach of contract and unfair practices claims, and Defendant's counterclaim for monies owed, have been referred to arbitration. The court has referred the contract and unfair competition claims to arbitration and has reserved decision on Defendant's motion to compel arbitration of Plaintiff's antitrust and 1996 Telecommunications Act claims.

Richard Hill v. PrimeCo Personal Communications, L.P. (Fla. Cir. Ct., Dade County)

This purported class action lawsuit alleges a violation of state statutes regarding deceptive and unfair trade practices arising from PrimeCo's negative check-off promotion of Roadside Assistance in 1997. PrimeCo filed a motion to dismiss Plaintiff's third amended complaint and compel arbitration. A hearing on the motion is scheduled for November 20, 2000.

Elizabeth Martin v. PrimeCo Personal Communications, L.P. (Fla. Cir. Ct., Lee County)

This purported class action lawsuit alleges breach of contract, deceptive and unfair advertising and trade practices, and civil conspiracy arising from PrimeCo's rounding up airtime charges to the next full minute. Plaintiff filed an amended class action complaint on March 2, 2000. PrimeCo's motion to dismiss and compel arbitration is pending.

Garabedian d/b/a Western Mobile Telephone Company v. Pactel, GTE Mobilnet, Inc., Contel Cellular, Inc., et al. and Garabedian v. LASMSA LP, et al. (California Fourth District Court of Appeals)

In these two parallel class actions filed in Orange County Superior Court, Plaintiff alleged that Defendants conspired to fix prices for cellular service in the Los Angeles market. The first suit covers the period 1984 to 1993, while the second suit covers 1993 to the present. Plaintiff sought damages for the class in excess of \$100 million. The trial court approved a class settlement of both suits in early 1998, and coupons were distributed to class members. Approval of that settlement is on appeal. The appeal has been briefed but no hearing date has been set.

11/10/00