

ZACH COWAN, City Attorney SBN 96372  
[ZCowan@ci.berkeley.ca.us](mailto:ZCowan@ci.berkeley.ca.us)

RACHEL CHATMAN, Deputy City Attorney SBN 206775  
[RChatman@ci.berkeley.ca.us](mailto:RChatman@ci.berkeley.ca.us)

BERKELEY CITY ATTORNEY'S OFFICE  
2180 Milvia Street, Fourth Floor  
Berkeley, CA 94704  
TEL.: (510) 981-6998  
FAX.: (510) 981-6960

LESTER LAWRENCE LESSIG III (Appearance Pro Hac Vice)  
[Lessig@law.harvard.edu](mailto:Lessig@law.harvard.edu)  
1563 Massachusetts Avenue  
Cambridge, MA 02138

ROBERT CHARLES POST SBN 111917  
[Robert.post@yale.edu](mailto:Robert.post@yale.edu)  
265 East Rock Road  
New Haven, CT 06511

AMANDA SHANOR (Appearance Pro Hac Vice)  
[Amanda.shanor@gmail.com](mailto:Amanda.shanor@gmail.com)  
127 Wall St  
New Haven, CT 06511

Attorneys for Defendants  
CITY OF BERKELEY and CHRISTINE DANIEL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CTIA – THE WIRELESS ASSOCIATION,

Plaintiff,

vs.

CITY OF BERKELEY, CHRISTINE  
DANIEL, CITY MANAGER OF CITY OF  
BERKELEY,

Defendants.

NO. C15-02529 EMC

DECLARATION OF SANDRA CORTESI  
IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION

DATE: August 20, 2015  
TIME: 1:30 p.m.  
CTRM: 5, 17<sup>th</sup> Flr, San Francisco

I, Sandra Cortesi, declare:

1           1.       I serve as Director of the Youth and Media project at the Berkman Center for  
2 Internet & Society at Harvard University.

3           2.       I am also a Research Fellow at the Berkman Center and serve as technical advisor  
4 to UNICEF on global youth and digital media issues.

5           3.       At the Berkman Center, I am responsible for Youth and Media  
6 ([www.youthandmedia.org](http://www.youthandmedia.org)), an international, multi-year research initiative that conducts original,  
7 mixed-method research and develops educational interventions on important policy issues  
8 emerging from youth communication and information technology practices, focusing on topics  
9 such as privacy, safety, information quality, and media literacy.

10          4.       Over the past 7 years, I have led and conducted research aimed at deepening our  
11 understanding of how young people (especially 12-18 year olds) are using the Internet and  
12 mobile technologies, and how these uses might differ from adult practices. Based on my  
13 experience and research, I can conclude that young users use phones not only more extensively,  
14 but also differently from adults, and that these differences in usage will increase the risks of  
15 body-to-phone contact.

16          5.       First, young people are heavy users of cell phones. Smartphone adoption among  
17 American teens has increased substantially. According to a study conducted by the Pew Research  
18 Center, 88% of teens now have access to a mobile phone of some kind. The study also concludes  
19 that 92% of teens go online daily, including 24% who say they go online “almost constantly”.<sup>1</sup>

20          6.       Second, younger people are more likely to carry or hold a phone against their  
21 body — including sleeping with a phone on or right next to their bed. A study by the Pew  
22 Research Center reports that 84% of teens slept with their cell phone on or right next to their bed  
23 and that teens are also more likely than older adults to do so.<sup>2</sup> The Berkeley Survey data supports  
24 this conclusion indirectly, as the significant majority of people carrying a phone against their  
25 body grows as the age group falls.<sup>3</sup>

26          7.       The usage patterns of young people — using cell phones primarily for texting  
27 rather than speaking — require that they keep the cell phone close to the body. The study by the  
28 Pew Research Center suggests that “teens are more enthusiastic users of the cell phone than

adults". Teen ages 12-17 are heavier users of text messaging relative to adults, but use voice calling more similarly to older cell phone users. "A teen typically sends or receives 50 text messages a day, while the average adult sends or receives 10. Fully 31% of teens send more than 100 texts a day and 15% send more than 200 a day, while just 8% and 5% of adults send that many, respectively."<sup>4</sup> Frequent texting suggests that cell phones are often kept in a pocket all day and at night, close to one's bed.

8. Third, younger people are less likely to read instruction manuals, and hence, less likely to know about the relation between exposure limits and carrying a cell phone. The Berkeley Survey data supports this conclusion indirectly, as the significant majority of people who don't read the manual only grows as age is reduced.<sup>5</sup>

<sup>1</sup> AMANDA LENHART, MAEVE DUGGAN, ANDREW PERRIN, RENEE STEPLER, LEE RAINIE, & KIM PARKER, TEENS, SOCIAL MEDIA & TECHNOLOGY OVERVIEW 2015, PEW RESEARCH CENTER (Apr. 9, 2015),

[http://www.pewinternet.org/files/2015/04/PI\\_TeensandTech\\_Update2015\\_0409151.pdf](http://www.pewinternet.org/files/2015/04/PI_TeensandTech_Update2015_0409151.pdf)

<sup>2</sup> AMANDA LENHART, CELL PHONES AND AMERICAN ADULTS, PEW RESEARCH CENTER (Sept. 2, 2010), [http://www.pewinternet.org/files/old-media/Files/Reports/2010/PIP\\_Adults\\_Cellphones\\_Report\\_2010.pdf](http://www.pewinternet.org/files/old-media/Files/Reports/2010/PIP_Adults_Cellphones_Report_2010.pdf)

<sup>3</sup> BERKELEY 8 RESULTS, PUBLIC POLICY POLLING (Mar. 6-8, 2015), <http://www.publicpolicypolling.com/pdf/2015/BerkeleyResults.pdf>

<sup>4</sup> AMANDA LENHART, MAEVE DUGGAN, ANDREW PERRIN, RENEE STEPLER, LEE RAINIE, & KIM PARKER, TEENS, SOCIAL MEDIA & TECHNOLOGY OVERVIEW 2015, PEW RESEARCH CENTER (Apr. 9, 2015),

[http://www.pewinternet.org/files/2015/04/PI\\_TeensandTech\\_Update2015\\_0409151.pdf](http://www.pewinternet.org/files/2015/04/PI_TeensandTech_Update2015_0409151.pdf)

<sup>5</sup> BERKELEY 8 RESULTS, PUBLIC POLICY POLLING (Mar. 6-8, 2015), <http://www.publicpolicypolling.com/pdf/2015/BerkeleyResults.pdf>

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 knowledge. This declaration was executed on this 3rd of July, 2015, in Cambridge,  
3 Massachusetts.

4 S. Cortesi

5  
6 Sandra Cortesi