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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a  
INDUSTRIAL PRINTING, and HOWARD  
STERN, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

GOOGLE, INC.,

Defendant.

Case No. C 05-03649 JW PVT

**DECLARATION OF MARKHAM  
SHERWOOD RE DISSEMINATION OF  
NOTICE OF PENDENCY AND  
PROPOSED SETTLEMENT OF CLASS  
ACTION AND SETTLEMENT  
HEARING AND REPORT ON  
REQUESTS FOR EXCLUSION**

I, Markham Sherwood, declare as follows:

1. I am employed by Gilardi & Co., LLC ("Gilardi"), located at 3301 Kerner Blvd., San Rafael, California. Gilardi was appointed as the Settlement Administrator in this matter. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. On or before June 2, 2009, Gilardi received from Defendant a list of the names, mailing addresses and electronic mail addresses of all class members identified by Google in this matter. Gilardi formatted and prepared the list of email addresses for the electronic delivery of

1 the Notice of Pendency and Proposed Settlement of Class Action and Settlement Hearing (the  
2 “Notice”) to those email addresses.

3 3. On or before June 9, 2009 Gilardi caused the Notice to be electronically delivered  
4 to the 1,129,685 names on the class list (the “blast”). A true and correct copy of the Notice is  
5 attached hereto as Exhibit A.

6 4. After delivering the blast, Gilardi received electronic “bounce backs” denoting  
7 undeliverable Email Notices. Gilardi formatted the list for mailing purposes, removed duplicate  
8 records, and processed the names and addresses through the National Change of Address  
9 Database to update any addresses on file with the United States Postal Service (“USPS”). Gilardi  
10 subsequently caused the Notice to be printed and mailed to the 252,862 addresses on that list.

11 5. Gilardi caused the Summary Notice to be published in the following media outlets:  
12 *The Wall Street Journal* (June 9, 2009) and *USA Today* (June 9, 2009). A true and correct copy  
13 of the Summary Notice is attached hereto as Exhibit B.

14 6. On or before June 2, 2009, Gilardi launched the Settlement Website (the  
15 “Website”) at [www.adwordscustomersettlement.com](http://www.adwordscustomersettlement.com). Gilardi caused a copy of the Notice,  
16 Summary Notice, Settlement Agreement and Release and the Amended Order Certifying  
17 Settlement Class and Granting Preliminary Approval of Class Action Settlement to be posted on  
18 the Website. From the Website, potential Settlement Class Members are able to download and  
19 print copies of these documents.

20 7. The deadline for Gilardi to receive a request for exclusion was on July 14, 2009.  
21 To date, Gilardi has received 61 timely and 5 late requests for exclusion from the Settlement by  
22 USPS mail. In addition, Gilardi received 14 timely and 1 late requests for exclusion by email at  
23 the address set up for this settlement, [claims@adwordscustomersettlement.com](mailto:claims@adwordscustomersettlement.com). A copy of the list  
24 of class members who have requested exclusion and true and correct copies of their requests for  
25 exclusion is attached hereto as Exhibit C.  
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 24<sup>th</sup> day of August, 2009 at San Rafael, California.

  
MARKHAM SHERWOOD

CERTIFICATE OF SERVICE

I hereby certify that on the date written above, that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to all CM/ECF participants.

I further certify that a true and correct copy of this document was sent via U.S. first-class mail, postage pre-paid, to all non-CM/ECF participants, as follows:

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*s/ Rachel S. Black*