

EXHIBIT 8

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REPLY DECLARATION OF GARY E. MASON

In re: Google Buzz User Privacy Litigation, No. 5:10-cv-00672-JW

From:

Alan DiCara
244 South Road
Winsted, CT 06098
My phone number is: 860 379 5260

To:(Copies of this were sent via US Mail to) :

COURT CLASS COUNSEL DEFENSE COUNSEL
Clerk of the United States District Court
for the Northern District of California
San Jose Division
280 South 1st Street
San Jose, CA 95113

→ Gary Mason, Esq.
Mason LLP
1625 Massachusetts Ave., NW
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Washington, DC 20036

David J. Burman, Esq.
Perkins Coie LLP
1201 Third Avenue
Suite 4800
Seattle, WA 98101-3099

To the Court and parties:

I object, via this letter, to the proposed Settlement in the above-cited case because the proposed settlement pays nothing, apparently, to persons whose privacy and other rights may have been violated, because there is virtually no deterrent penalty to defendant(s) for any such violations, because there is no procedure by

significant monetary damages to injured persons and would serve notice on, and deter somewhat, the subject Defendants, whose profits we know are in the billions, as well as other, would-be defendants in the future, not to interfere people's privacy rights. I note that in making this request, Google, Inc.'s 2009 profits totalled some \$6 billion five-hundred and twenty+millions (\$6,520,448,000); the \$8.5 million award to “privacy organizations”, noted in Google's email to me, copy attached, constitutes less than two-tenths of one percent (0.001303591) of Google's 2009 profits. I respectfully submit that this anemic award deters no one from doing anything illegal whatsoever.

- 2) Relatedly, Google and any other defendants should be required to contact any injured parties to advise, specifically, what information had been collected and how each individual's rights were violated and how that can and should be rectified and how to collect/claim any awarded compensatory and punitive damages for class members;
- 3) Google and other defendants should be ordered to pay for the services of a **“Privacy Obmudsman/woman”**, or **firm offering ombudsman services**, so that individuals injured in this case and in future cases, at the least, have a specific person or firm they can complain to and from whom they can better learn their rights. This “ombudsmen” and his/her services would be in addition to any legal counsel obtained by an such injured party and would not

supercede advice or services from the latter. I understand from an email I received from Google, copy attached, that “Google has committed \$8.5 million to an independent fund, most of which will support organizations promoting privacy education and policy on the web. “ I submit that in addition to this amount for “organizations promoting privacy education and policy on the web,” more is needed: an ombudsman and ombudsman services for individuals adversely affected in the future by any and all invasions of privacy – with appropriate referrals to competent legal counsel if requested or needed.

- 4) Additionally, as a further deterrent to any invasion of individuals' rights of privacy, **defendants should be placed on “probation” by the court** - to the extent possible by law, with the court hopefully noting that should the privacy rights of individuals again be compromised, fines and damages amounts can and will be increased in this case accordingly.
- 5) To further advance the public interest and to insure Google management and staff are all on the same page as the rest of us, constitutionally speaking, the Court should require Google managers and staff attend classes on American rights to privacy and to other constitutional rights, to be taught by esteemed law professors at the best law schools convenient to Google worksites. While this may be asking a lot of Google and its staff, the apparent whim of some

start in ignoring such rights is what got Google, AND other firms, into trouble in the first place, and continues unabated on the internet and at other firms. Social networking has, reportedly, resulted in self-proclaimed young adults and children being bullied online, in others committing suicide as a result of their privacy being violated, which of course is not part of this case, of innumerable cases of identity theft resulting in untold costs to internet users relying on the ability and respect of staff at respectable firms like Google to protect their privacy, and, overseas, the apparent arrest and detention of some internet users following the giving up of names and identities of users whose governments demand in order to protect their authoritarian ways of governing. Other, even American-based sites pride themselves in wheeling data about individuals the way oil barons used to drill for oil: drill for more and make as much profit at it as one can regardless of the privacy consequences it seems. From online "profiles" derived not from knowing anyone in particular but from 'tracking' a person's purported online activities, have resulted in advertising firms also invading the privacy of individuals without their knowledge, in providing employers with limited, perhaps incorrect information about employment applicants, and in false or incorrect financial information. Given that violations of rights of privacy have real, serious and adverse consequences, a meager deterrent of less than

2 tenths of one percent is no deterrent whatsoever.

Am I a Class Member?

I submit and believe that I am a "Class Member" however I am willing to have counsel for other plaintiffs pursue my objections and requests herein, so long as there is no objection from other parties.

If there are objections of any kind to my claiming to be a Class Member, I request the court to

a) have Google "Google"(research) me/my name in Google's "Buzz" database(s) and other information, at no cost to me, to learn this if I should be a "Class Member", and

b) review the attached email I received from Google, stating, in part, that "Everyone in the U.S. who uses Gmail is included in the settlement, unless you personally decide to opt out before December 6, 2010." First, allow me to object to this determination as I feel it flies in the face of and violates my due process rights BUT, also, this email and this statement

constitute an “ADMISSION BY AGENT AGAINST INTEREST,” that I am, whether I like it or not, (subject to appeal if I decide to do so, I submit), a “CLASS MEMBER.”

In any case, I hereby request the Court **either delegate my requests to attorneys for any or all plaintiffs, if that is possible**, to save the court and the parties time and resources, **or, if not, grant me intervenor status**, if necessary, to make these requests.

I believe my suggestions are helpful, relevant, fair and appropriate since it seems there are no damages being awarded to class members and no way for current or future violations to be easily understood or quickly addressed in a fair and equitable manner, with appropriate, alternate means of legal redress for anyone seeking same. Further, there is little to deter defendants from doing what was alleged again, relative to their size and amounts of their sales and profits. Even if the minimal damages requested above are approved, I submit they too would not do much to deter defendants from any such future actions, though I would hope they would.

Finally, **I respectfully submit the Court can and should, of its own accord** if necessary, implement the above requests to “make whole” people injured by

which individuals can easily complain about such actions in the future and because, in light of these deficiencies, the proposed, limited settlement is neither in the public interest nor in the interest of individuals injured.

I believe the apparent fact that no significant monetary damages, if any at all, will be awarded the injured parties, and the fact that the public interest in better protecting the individual's right to privacy is apparently being ignored in this proposed settlement, and that my objections constitute important and relevant reasons which factually and legally support a much better, amended settlement the Court can consider and implement to better resolve this case. Specifically, I therefore respectfully submit the proposed settlement should be amended to include:

- 1) An order by the Court for monetary damages to be awarded to any and all persons whose rights were violated in per person amounts of at least \$1,000 per person for compensatory damages, or more if there are legal and factual bases for doing so, and \$5,000 per person in punitive damages, unless the Court wishes to impose whatever compensatory and punitive damages it deems fit in this case given all the facts and the law which I am not privy to. Such monetary damages would address the apparently total lack of any

from Google Buzz <noreply-buzz-classaction@google.com>
to alandicara@gmail.com
date Tue, Nov 2, 2010 at 3:30 PM
subject Important Information about Google Buzz Class Action Settlement [hide details](#)
mailed-by buzz-classaction.bounces.google.com
signed-by google.com Nov 2

Google rarely contacts Gmail users via email, but we are making an exception to let you know that we've reached a settlement in a lawsuit regarding Google Buzz (<http://buzz.google.com>), a service we launched within Gmail in February of this year.

Shortly after its launch, we heard from a number of people who were concerned about privacy. In addition, we were sued by a group of Buzz users and recently reached a settlement in this case.

The settlement acknowledges that we quickly changed the service to address users' concerns. In addition, Google has committed \$8.5 million to an independent fund, most of which will support organizations promoting privacy education and policy on the web. We will also do more to educate people about privacy controls specific to Buzz. The more people know about privacy online, the better their online experience will be.

Just to be clear, this is not a settlement in which people who use Gmail can file to receive compensation. Everyone in the U.S. who uses Gmail is included in the settlement, unless you personally decide to opt out before December 6, 2010. The Court will consider final approval of the agreement on January 31, 2011. This email is a summary of the settlement, and more detailed information and instructions approved by the court, including instructions about how to opt out, object, or comment, are available at <http://www.BuzzClassAction.com>.

This mandatory announcement was sent to all Gmail users in the United States as part of a legal settlement and was authorized by the United States District Court for the Northern District of California.

Google Inc. | 1600 Amphitheatre Parkway | Mountain View, CA 94043

Google Inc.

CONSOLIDATED STATEMENTS OF INCOME
(In thousands, except per share amounts)

	Year Ended December 31,		
	2007	2008	2009
Revenues	\$18,593,936	\$21,795,650	\$23,650,556
Costs and expenses:			
Cost of revenues (including stock-based compensation expense of \$22,375,041 in 2007, \$47,051 in 2008, and \$725,642 in 2009)	6,649,069	8,821,606	9,644,716
Research and development (including stock-based compensation expense of \$569,797 in 2007, \$732,418 in 2008, and \$725,642 in 2009)	2,119,965	2,799,192	3,943,007
Sales and marketing (including stock-based compensation expense of \$181,636 in 2007, \$205,020 in 2008, and \$231,019 in 2009)	1,461,296	1,948,244	1,569,948
General and administrative (including stock-based compensation expense of \$144,676 in 2007, \$139,968 in 2008, and \$160,642 in 2009)	1,279,250	1,303,659	1,667,294
Total costs and expenses	11,509,580	13,163,561	15,333,577
Income from operations	5,084,400	6,631,969	6,312,186
Impairment of equity investments	—	(1,094,757)	—
Interest income and other, net	689,860	316,934	69,005
Income before income taxes	5,673,960	5,853,966	6,381,191
Provision for income taxes	1,470,260	1,625,738	1,660,741
Net income	\$ 4,203,720	\$ 4,228,228	\$ 4,720,448
Net income per share of Class A and Class B common stock:			
Basic	\$ 13.53	\$ 13.46	\$ 20.62
Diluted	\$ 13.29	\$ 13.31	\$ 20.41

See accompanying notes.

defendants, to also deter them from future violations, and to do so in the public interest to better protect our rights of privacy, arguments about the benefits of never-ending web-enhanced search and other services to the contrary notwithstanding.

I will not appear at the Fairness Hearing nor can I afford an attorney to represent me there.

Respectfully submitted,



Alan DiCara
244 South Road
Winsted, CT 06098

Enclosed/attached:

- copy of 11/2/2010 Google email to me re this "Buzz" lawsuit
- copy of Google's 2009 Net Income from its 2009 Annual Report