

EXHIBIT 10

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REPLY DECLARATION OF GARY E. MASON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA: SAN JOSE DIVISION

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

December 13, 2010

**Re: Objection to Proposed Settlement in *In re Google Buzz User Privacy Litigation*,
No. 5:10-cv-00672-JW.**

SIR/MADAM:

We are two class members in the above-captioned action, in that we both had active GMail accounts at the time of the Google Buzz launch and as evidenced by our GMail addresses below. We both received email notifications from Google that we are in fact class members.

We object to the proposed settlement on two grounds, 1) the procedure for selecting cy pres recipients, 2) the amount of the attorneys' fees.

SELECTION OF CY PRES RECIPIENTS

The proposed settlement states that the "Parties shall mutually agree on the cy pres recipients and the amounts for each," without specifying the recipients. Having determined the amount of their settlement and fees, class plaintiff's attorneys' have no incentive to select worthy recipients or to screen them based on what they will actually accomplish for class members with this windfall. As for Defendant, their only concern is to fix the amount of the settlement and to direct it away from recipients who might use the money to target Google in the future. See e.g. "Cy Pres Settlements," Frank, Theodore H., *Federalist Society Class Action Watch*, March 2008 (available at http://www.fed-soc.org/doclib/20080404_FrankCAW7.1.pdf).

Moreover, the present time is one of dire economic depression and suffering in both the United States where Defendant is incorporated and all around the world where GMail users may be found. Class members may find it cruelly ironic to see money awarded in their name to technology organizations chosen by lawyers rather than have these few million dollars go to groups working to combat raw human suffering that could do so much more.

It is entirely unclear that the best cy pres recipients should be "existing organizations focused on Internet privacy policy or privacy education" as specified in the settlement agreement. It is unclear if any organizations meet these narrowly-focused criteria other than the Electronic Privacy Information Center (EPIC).

We therefore propose a simple alternate selection procedure that would be far more empowering to class members.

Defendant Google should set up, at its own expense, an internet poll allowing one vote per Gmail user, and send a notification to all Gmail users with a link to this poll. The poll should have two phases, a selection phase and a voting phase.

In the first phase, users can write in any 501(c)(3) tax-exempt charity registered with the United States Internal Revenue Service, by searching from a database of such nonprofits as available from the IRS or from other organizations such as Guidestar or Charity Navigator. Google should also provide a Google Group discussion forum to allow Gmail users to discuss their selections. The purpose of the first phase is to select the top 10 most popular charities among Gmail users. Each user should be able to vote once for up to 10 different charities.

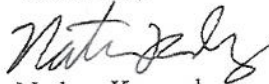
In the second phase, Gmail users should have 10 votes to allocate between the top 10 charities. After voting is closed, Google should provide the results of this poll to the settlement administrator, who would disburse the settlement fund to the 10 cy pres recipients selected by this poll in proportion to the number of votes received in the second phase of voting.

Given that Google is an internet technology corporation which deals with huge systems and has conducted many similar polls on a larger scale in the past, it would be a trivial matter for Google to set up such a poll and could do so at minimal cost to itself. This would provide a far more meaningful and empowering settlement to class members, as opposed to simply being a punitive and meaningless settlement allocated by disinterested attorneys who simply want to collect their fees and move on.

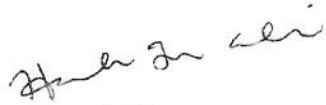
ATTORNEYS' FEES

We believe that attorneys' fees of up to 30% allowed by this settlement are excessive given the nature of this case. Having settled early in the litigation, won no direct award for class members whatsoever and having sought no input from class members, attorneys should not be entitled to a fee of more than 20% of the fund, at most.

Yours etc.,



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