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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re Google Buzz User Privacy Litigation                      NO. C 10-00672 JW

**ORDER RE. NOMINATION PROCESS  
FOR *CY PRES* RECIPIENTS**

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Presently before the Court is the parties’ Motion for Final Approval of Class Action Settlement (“Settlement”). (See Docket Item No. 61.) On October 7, 2010, the Court granted preliminary approval. (See Docket Item No. 50.) On February 7, 2011, the Court held a Final Fairness Hearing. Counsel for the respective parties were present.

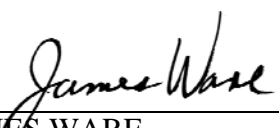
Based on the papers submitted to date and oral argument, the Court finds that the proposed nomination process to determine *cy pres* recipients and the amounts granted to each recipient lacks the requisite specificity and oversight required to provide a reasonable benefit to the Class. Thus, the parties will nominate the *cy pres* recipients as follows:

- (a) The parties shall solicit nominations for *cy pres* organizations and amounts specified per organization. Solicitations may be, but need not be, drawn from the Class. The parties need not send notice to the Class for solicitations.
- (b) On or before **March 14, 2011**, the parties shall submit all nominations to Class Counsel.
- (c) On or before **March 28, 2011**, Class Counsel will consolidate the list and submit the *cy pres* organization and distribution amount nominations to the Court for approval prior to any disbursal.

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- (d) All nominations must include detailed information as to each nominated *cy pres* organization as follows:
  - (i) Name
  - (ii) Address
  - (iii) Description of an established program currently undertaking policy or education efforts directed specifically at Internet privacy.
  - (iv) Years that the program has been established and focused on Internet privacy.
  - (v) A short statement as to how the particular program will benefit the Class.
  - (vi) Overall annual operating budget of the organization as a whole and the specific Internet privacy or education program.
  - (vii) Amount received, if any, in contributions from Google, Inc. in 2010 independent of this Settlement.
  
- (e) Upon review of Class Counsel’s submission, the Court shall issue Final Approval as to *cy pres* distribution, including the specific *cy pres* organizations and amount distributed per organization. The final approval list of *cy pres* organizations may draw, but need not be drawn, entirely from the submission of nominations by Class Counsel. The Court reserves the right to designate *cy pres* recipients who would reasonably benefit the Class through established Internet privacy education and policy programs on its own motion.

Dated: February 16, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: February 16, 2011**

**Richard W. Wieking, Clerk**

By:           /s/ JW Chambers            
**Elizabeth Garcia**  
**Courtroom Deputy**