

1 Susan D. Fahringer, Bar No. 162978
 SFahringer@perkinscoie.com
 2 PERKINS COIE LLP
 1201 Third Avenue, Suite 4800
 3 Seattle, WA 98101-3099
 Telephone: 206.359.8000
 4 Facsimile: 206.359.9000

5 Attorneys for Defendant
 GOOGLE INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 IN RE GOOGLE BUZZ PRIVACY
 13 LITIGATION

Case No. 10-CV-00672-JW

DECLARATION OF SUSAN FAHRINGER

Original Complaint Filed 02/17/10

18 Susan Fahringer declares:

19 1. I am a partner with Perkins Coie LLP, counsel for Google Inc. ("Google"). I make
 20 this declaration based upon my personal knowledge, and I am competent to testify to its
 21 contents.

22 2. On September 10, 2010, seven (7) days after plaintiffs filed their motion for
 23 preliminary approval of the settlement of this matter, Perkins Coie staff acting under my
 24 direction served on the appropriate federal and state officials notice of the proposed settlement
 25 of this action pursuant to 28 U.S.C. § 1715(b) (the "CAFA Notice"). A copy of the Notice is
 26 attached as Exhibit 1. It was accompanied by a cover letter (attached as Exhibit 2), and enclosed
 27 the following, in portable document format (PDF) on CD-ROM:
 28

1 (a) Plaintiff's original Complaint, First Amended Class Action Complaint, and
2 Consolidated Amended Complaint (pursuant to CAFA, 28 U.S.C. § 1715(b)(1));

3 (b) the parties' proposed notice to class members, including notice regarding
4 class members' rights regarding exclusion from the settlement, and notice regarding the proposed
5 settlement (pursuant to CAFA, 28 U.S.C. § 1715(b)(3)); and

6 (c) the parties' Settlement Agreement and all exhibits thereto (pursuant to
7 CAFA, 28 U.S.C. § 1715(b)(4)).

8 3. The CAFA Notice was served on the Attorney General of the United States and
9 the Attorneys Generals of each of the United States. A list of the names and addresses of the
10 federal and state officials served with the CAFA Notice is attached as Exhibit 3.

11 4. On September 17, 2010, Perkins Coie staff acting under my direction sent a
12 supplemental letter to the state and federal officials identified in Exhibit 3, notifying those
13 officials that the hearing date on the parties' Motion for Preliminary Approval had been scheduled
14 for October 4, 2010 at 9:00 a.m. (pursuant to CAFA, 28 U.S.C. § 1715(b)(2)). A copy of the
15 supplemental letter is attached as Exhibit 4.

16 I declare under penalty of perjury under the laws of the state of California that the
17 foregoing is true and correct.

18 EXECUTED this 15th day of December, 2010, at Seattle, Washington.

19
20 s/ Susan Fahringer
21 Susan D. Fahringer, SBN 162978
22 PERKINS COIE LLP
23 1201 Third Avenue, Suite 4800
24 Seattle, WA 98101-3099
25 Tel (206) 359-8000
26 Fax (206) 359-9000
27 Email SFahringer@perkinscoie.com

28
Attorneys for Defendant
GOOGLE INC.

EXHIBIT 1

1
2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN JOSE DIVISION
6

7 IN RE GOOGLE BUZZ USER PRIVACY
8 LITIGATION,

Case No. CV-10-00672-JW

9 This Pleading Relates To:

**NOTICE OF PROPOSED SETTLEMENT
PURSUANT TO THE CLASS ACTION
FAIRNESS ACT OF 2005**

10 ALL CASES
11
12

13 PLEASE TAKE NOTICE THAT the parties to the above-referenced class action have
14 settled the claims at issue in the litigation. Pursuant to the Class Action Fairness Act of 2005
15 ("CAFA"), 28 U.S.C. § 1715, Defendant Google Inc. ("Google") provide this notice to the
16 Attorney General of the United States of America and the Attorneys General of all fifty states.
17 Google encloses the following documents in accordance with its notice obligations under 28
18 U.S.C. § 1715(b):

- 19 1. Plaintiffs' original Complaint, First Amended Class Action Complaint, and
20 Consolidated Amended Complaint.
- 21 2. The parties' Settlement Agreement and all exhibits thereto.
- 22 3. The parties' proposed notice to class members, including notice regarding class
23 members' rights regarding exclusion from the settlement, and notice regarding the proposed
24 settlement.
- 25 4. The parties' Motion for Preliminary Approval of the Settlement Agreement is
26 currently noted for hearing on December 20, 2010 at 9:00 a.m. There is currently no date set for
27 a fairness hearing on the proposed settlement.
28


1 5. No settlement agreement other than the enclosed Settlement Agreement was
2 contemporaneously made between class counsel and counsel for Google.

3 6. No final judgment has been entered, nor has any notice of dismissal been filed.

4 7. There is no written judicial opinion relating to proposed settlement of this action.

5 8. The class consists of all Gmail users in the United States presented with the
6 opportunity to use Google Buzz through the time of the Notice Date proposed in the parties'
7 Settlement Agreement. Class members reside in all fifty states. Because of the number of class
8 members it is not feasible to provide the names of the members in this notice. The provisions of
9 1715(b)(7)(B) regarding class members' proportionate share of the claims is not applicable due
10 to the nature of the *cy pres* fund established by the settlement, which is set forth in full in the
11 parties' Settlement Agreement attached hereto.

12
13 DATED: September 10, 2010

14 
15 Susan D. Fahringer, SBN 162978
16 PERKINS COIE LLP
17 1201 Third Avenue, Suite 4800
18 Seattle, WA 98101-3099
19 Tel (206) 359-8000
20 Fax (206) 359-9000
21 Email SFahringer@perkinscoie.com

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25
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27
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29 Attorneys for Defendant
30 GOOGLE INC.

EXHIBIT 2

Susan D. Fahringer
PHONE: (206) 359-8687
FAX: (206) 359-9687
EMAIL: SFahringer@perkinscoie.com

September 10, 2010

CAFA Coordinator
Office of the Attorney General of the State of California
Consumer Law Section
110 West "A" Street, Suite 1100
San Diego, CA 92186-5266

Re: Notice of Proposed Class Action Settlement in *In re Google Buzz User Privacy Litigation*, (U.S.D.C., N.D. Cal., No. CV-10-00672-JW)

Dear Sir or Madame:

Pursuant to the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715, Defendant Google Inc. ("Google") provides notice of the parties' proposed settlement in the above-titled action. In accordance with CAFA, Google encloses the following documents:

1. Notice of Proposed Settlement.
2. A copy of Plaintiffs' Complaint filed February 17, 2010, First Amended Complaint filed March 15, 2010, and Consolidated Amended Complaint, filed July 29, 2010.
3. The parties' proposed notice to class members, including notice regarding class members' rights regarding exclusion from the class.
4. The parties' Settlement Agreement (the "Settlement Agreement") and all exhibits attached thereto.

We also hereby advise you that no agreements of any kind were made contemporaneously between class counsel and counsel for defendants. Moreover, because this matter remains at the preliminary stage of the approval process, we do not have notice of any scheduled judicial hearing in the class action other than the hearing on the parties' Motion for Preliminary Approval of Settlement, which is noted for hearing on December 20, 2010, at 9:00 a.m. Because the settlement remains to be approved, there is no final judgment or notice of dismissal or any

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CAFA Coordinator
September 10, 2010
Page 2

written judicial opinion pertaining to the proposed settlement. We will supplement our notice to you in a timely fashion as required and as additional, relevant materials become available.

The Notice of Proposed Settlement (item No. 1) is enclosed with this letter. In the interests of reducing the volume of paper, the remaining items are provided in PDF format on the enclosed CD-ROM. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Fahringer", with a long horizontal flourish extending to the right.

Susan Fahringer

EXHIBIT 3

**APPROPRIATE STATE AND FEDERAL OFFICIALS PROVIDED CAFA NOTICE RE: *IN RE GOOGLE BUZZ*
USER PRIVACY LITIGATION SETTLEMENT ON SEPTEMBER 10 and 17, 2010**

<p>Hon. Eric H. Holder, Jr. United States Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 Tel. 202-514-2000</p>	<p>Hon. Troy King Attorney General of the State of Alabama 500 Dexter Avenue Montgomery, AL 36130 Tel. (334) 242-7300</p>
<p>Hon. Daniel Sullivan Attorney General of the State of Alaska P.O. Box 110300 Diamond Courthouse Juneau, AK 99811-0300 Tel. (907) 465-3600</p>	<p>Hon. Terry Goddard Attorney General of the State of Arizona 1275 W. Washington St. Phoenix, AZ 85007 Tel. (602) 542-4266</p>
<p>Hon. Dustin McDaniel Attorney General of the State of Arkansas 200 Tower Bldg. 323 Center St. Little Rock, AR 72201-2610 Tel. (800) 482-8982</p>	<p>CAFA Coordinator Office of the Attorney General of the State of California Consumer Law Section 110 West "A" Street, Suite 1100 San Diego, CA 92186-5266 Tel. (619) 645-2001</p>
<p>Hon. John Suthers Attorney General of the State of Colorado 1525 Sherman St. Denver, CO 80203 Tel. (303) 866-4500</p>	<p>Hon. Richard Blumenthal Attorney General of the State of Connecticut 55 Elm St. Hartford, CT 06141-0120 Tel. (860) 808-5318</p>
<p>Hon. Joseph R. Biden, III Attorney General of the State of Delaware Carvel State Office Bldg. 820 N. French St. Wilmington, DE 19801 Tel. (302) 577-8338</p>	<p>Hon. Peter Nickles Attorney General of the District of Columbia John A. Wilson Bldg. 1350 Pennsylvania Ave., NW, Suite 409 Washington, D.C. 20009 Tel. (202) 727-3400</p>
<p>Hon. Bill McCollum Attorney General of the State of Florida The Capitol PL 01 Tallahassee, FL 32399-1050 Tel. (850) 414-3300</p>	<p>Hon. Thurbert E. Baker Attorney General of the State of Georgia 40 Capitol Square, SW Atlanta, GA 30334-1300 Tel. (404) 656-3300</p>
<p>Hon. Mark J. Bennett Attorney General of the State of Hawaii 425 Queen St. Honolulu, HI 96813 Tel. (808) 586-1500</p>	<p>Hon. Lawrence Wasden Attorney General of the State of Idaho Statehouse Boise, ID 83720-1000 Tel. (208) 334-2400</p>
<p>Hon. Lisa Madigan Attorney General of the State of Illinois James R. Thompson Ctr. 100 W. Randolph St. Chicago, IL 60601 Tel. (312) 814-3000</p>	<p>Hon. Greg Zoeller Attorney General of the State of Indiana Indiana Government Center South, 5th Floor 302 West Washington Street Indianapolis, IN 46204 Tel. (317) 232-6201</p>

**APPROPRIATE STATE AND FEDERAL OFFICIALS PROVIDED CAFA NOTICE RE: *IN RE GOOGLE BUZZ*
USER PRIVACY LITIGATION SETTLEMENT ON SEPTEMBER 10 and 17, 2010**

<p>Hon. Tom Miller Attorney General of the State of Iowa Hoover State Office Bldg. 1305 E. Walnut Des Moines, IA 50319 Tel. (515) 281-5164</p>	<p>Hon. Steve Six Attorney General of the State of Kansas 120 S.W. 10th Ave., 2nd Floor Topeka, KS 66612-1597 Tel. (785) 296-2215</p>
<p>Hon. Jack Conway Attorney General of the State of Kentucky Capitol Building 700 Capitol Avenue, Suite 118 Frankfort, KY 40601 Tel. (502) 696-5300</p>	<p>Hon. James D. Caldwell Attorney General of the State of Louisiana P.O. Box 94095 Baton Rouge, LA 70804-4095 Tel. (225) 326-6000</p>
<p>Hon. Janet T. Mills Attorney General of the State of Maine State House Station 6 Augusta, ME 04333 Tel. (207) 626-8800</p>	<p>Hon. Douglas F. Gansler Attorney General of the State of Maryland 200 St. Paul Place Baltimore, MD 21202-2202 Tel. (410) 576-6300</p>
<p>Hon. Martha Coakley Attorney General of the State of Massachusetts 1 Ashburton Place Boston, MA 02108-1698 Tel. (617) 727-2200</p>	<p>Hon. Mike Cox Attorney General of the State of Michigan 525 W. Ottawa St. P.O. Box 30212 Lansing, MI 48909-0212 Tel. (517) 373-1110</p>
<p>Hon. Lori Swanson Attorney General of the State of Minnesota State Capitol, Ste. 102 St. Paul, MN 55155 Tel. (651) 296-3353</p>	<p>Hon. Jim Hood Attorney General of the State of Mississippi Department of Justice P.O. Box 220 Jackson, MS 39205-0220 Tel. (601) 359-3680</p>
<p>Hon. Chris Koster Attorney General of the State of Missouri Supreme Court Bldg. 207 W. High St. Jefferson City, MO 65101 Tel. (573) 751-3321</p>	<p>Hon. Steve Bullock Attorney General of the State of Montana Justice Bldg. 215 N. Sanders Helena, MT 59620-1401 Tel. (406) 444-2026</p>
<p>Hon. Jon Bruning Attorney General of the State of Nebraska State Capitol P.O. Box 98920 Lincoln, NE 68509-8920 Tel. (402) 471-2682</p>	<p>Hon. Catherine Cortez Masto Attorney General of the State of Nevada Old Supreme Court Bldg. 100 N. Carson St. Carson City, NV 89701 Tel. (775) 684-1100</p>
<p>Hon. Michael Delaney Attorney General of the State of New Hampshire State House Annex 33 Capitol St. Concord, NH 03301-6397 Tel. (603) 271-3658</p>	<p>Hon. Paula T. Dow Attorney General of the State of New Jersey Richard J. Hughes Justice Complex 25 Market Street P.O. Box 080 Trenton, NJ 08625 Tel. (609) 292-8740</p>

**APPROPRIATE STATE AND FEDERAL OFFICIALS PROVIDED CAFA NOTICE RE: *IN RE GOOGLE BUZZ*
USER PRIVACY LITIGATION SETTLEMENT ON SEPTEMBER 10 and 17, 2010**

<p>Hon. Gary King Attorney General of the State of New Mexico P.O. Drawer 1508 Santa Fe, NM 87504-1508 Tel. (505) 827-6000</p>	<p>Hon. Andrew Cuomo Attorney General of the State of New York Dept. of Law - The Capitol, 2nd Floor Albany, NY 12224 Tel. (518) 474-7330</p>
<p>Hon. Roy Cooper Attorney General of the State of North Carolina Dept. of Justice P.O. Box 629 Raleigh, NC 27602-0629 Tel. (919) 716-6400</p>	<p>Hon. Wayne Stenehjem Attorney General of the State of North Dakota State Capitol 600 E. Boulevard Ave. Bismarck, ND 58505-0040 Tel. (701) 328-2210</p>
<p>Hon. Richard Cordray Attorney General of the State of Ohio State Office Tower 30 E. Broad St. Columbus, OH 43266-0410 Tel. (614) 466-4320</p>	<p>Hon. W.A. Drew Edmondson Attorney General of the State of Oklahoma 313 NE 21st Street Oklahoma City, OK 73105 Tel. (405) 521-3921</p>
<p>Hon. Jon Kroger Attorney General of the State of Oregon Justice Bldg. 1162 Court St., NE Salem, OR 97301 Tel. (503) 378-4732</p>	<p>Hon. Tom Corbett Attorney General of the State of Pennsylvania 1600 Strawberry Square Harrisburg, PA 17120 Tel. (717) 787-3391</p>
<p>Hon. Patrick C. Lynch Attorney General of the State of Rhode Island 150 S. Main St. Providence, RI 02903 Tel. (401) 274-4400</p>	<p>Hon. Henry McMaster Attorney General of the State of South Carolina Rembert C. Dennis Office Bldg. P.O. Box 11549 Columbia, SC 29211-1549 Tel. (803) 734-3970</p>
<p>Hon. Marty J. Jackley Attorney General of the State of South Dakota 1302 East Highway 14, Suite 1 Pierre, SD 57501-8501 Tel. (605) 773-3215</p>	<p>Hon. Robert E. Cooper, Jr. Attorney General of the State of Tennessee 425 5th Avenue North Nashville, TN 37243 Tel. (615) 741-3491</p>
<p>Hon. Greg Abbott Attorney General of the State of Texas Capitol Station P.O. Box 12548 Austin, TX 78711-2548 Tel. (512) 463-2100</p>	<p>Hon. Mark Shurtleff Attorney General of the State of Utah State Capitol, Rm. 236 Salt Lake City, UT 84114-0810 Tel. (801) 538-9600</p>
<p>Hon. William H. Sorrell Attorney General of the State of Vermont 109 State St. Montpelier, VT 05609-1001 Tel. (802) 828-3173</p>	<p>Hon. Ken Cuccinelli Attorney General of the State of Virginia 900 East Main St. Richmond, VA 23219 Tel. 804) 786-2071</p>

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USER PRIVACY LITIGATION SETTLEMENT ON SEPTEMBER 10 and 17, 2010

Hon. Rob McKenna Attorney General of the State of Washington 1125 Washington St., SE P.O. Box 40100 Olympia, WA 98504-0100 Tel. (360) 753-6200	Hon. Darrell V. McGraw, Jr. Attorney General of the State of West Virginia State Capitol 1900 Kanawha Blvd., E. Charleston, WV 25305 Tel. (304) 558-2021
Hon. J.B. Van Hollen Attorney General of the State of Wisconsin State Capitol, Ste. 114 E. P.O. Box 7857 Madison, WI 53707-7857 Tel. (608) 266-1221	Hon. Bruce A. Salzburg Attorney General of the State of Wyoming State Capitol Bldg. Cheyenne, WY 82002 Tel. (307) 777-7841

EXHIBIT 4



1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

PHONE: 206.359.8000

FAX: 206.359.9000

www.perkinscoie.com

Susan D. Fahringer
PHONE: (206) 359-8687
FAX: (206) 359-9687
EMAIL: SFahringer@perkinscoie.com

September 17, 2010

CAFA Coordinator
Office of the Attorney General of the State of California
Consumer Law Section
110 West "A" Street, Suite 1100
San Diego, CA 92186-5266

Re: Notice of Proposed Class Action Settlement in *In re Google Buzz User Privacy Litigation*, (U.S.D.C., N.D. Cal., No. CV-10-00672-JW)

Dear Sir or Madame:

This letter supplements my letter of September 10, 2010, wherein Defendant Google Inc. ("Google") notified you under the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715, of the parties' proposed settlement in the above-titled action. This letter is to advise you that the Court has advanced the hearing date of Google's Motion for Preliminary Approval. The hearing of Google's Motion for Preliminary Approval is now scheduled for October 4, 2010, at 9:00 a.m.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Susan Fahringer