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10 Google Inc.

11  
12 **UNITED STATES DISTRICT COURT**  
13  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15  
16 **SAN JOSE DIVISION**  
17

18 PALOMA GAOS, an individual, on behalf  
19 of herself and all others similarly situated,

20 Plaintiff,

21 v.

22 GOOGLE INC., a Delaware Corporation,  
23 Defendant.  
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Case No. 5:10-cv-04809-JW

**DECLARATION OF JEAN B. NIEHAUS  
IN SUPPORT OF GOOGLE INC'S  
MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT PURSUANT TO RULES  
12(b)(1) AND 12(b)(6)**

Hearing Date: April 11, 2011  
Time: 9:00 a.m.  
Place: Courtroom 8, 4th Floor  
Judge: Hon. James Ware

1 I, Jean B. Niehaus, declare as follows:

2 1. I am a member in good standing of the Bar of the State of California and an  
3 associate with the law firm of O'Melveny & Myers, LLP, counsel for defendant Google Inc. in  
4 this matter. I submit this Declaration in support of Google's Motion to Dismiss Plaintiff's  
5 Complaint Pursuant To Rules 12(b)(1) and 12(b)(6). I make this declaration of my own personal  
6 knowledge and, if called as a witness, would testify to the matters set forth below.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Google  
8 Privacy Policy, dated October 3, 2010 and printed on February 10, 2011 from Google's website.  
9 It is available at <http://www.google.com/intl/en/privacy/privacy-policy.html>. The October 3,  
10 2010 Privacy Policy is referenced in paragraph 22 of the Complaint. The language quoted from  
11 the October 3, 2010 Privacy Policy in Google's Motion to Dismiss, filed herewith, is identical to  
12 the language in the October 14, 2005 Privacy Policy referenced in paragraphs 19 and 21 of  
13 Plaintiff's Complaint.

14 3. Attached hereto as **Exhibit 2** is a true and correct copy of the Google  
15 Privacy Center Privacy FAQ, printed on February 10, 2011 from Google's website. It is available  
16 at <http://www.google.com/intl/en/privacy/faq.html>. The Google Privacy Center Privacy FAQ is  
17 referenced in paragraph 20 of Plaintiff's Complaint.

18  
19 I declare under penalty of perjury under the laws of the United States and the State  
20 of California that the foregoing is true and correct. Executed on February 10, 2011 in San  
21 Francisco, CA.

22  
23 /s/ Jean B. Niehaus  
24 Jean B. Niehaus  
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