

# EXHIBIT 2

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15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN JOSE DIVISION**

19  
20 In re GOOGLE REFERRER HEADER PRIVACY  
21 LITIGATION

Case No. 5:10-cv-04809-EJD

CLASS ACTION

22  
23 This Document Relates To: All Actions

**DECLARATION IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

24  
25  
26 Date: August 23, 2013  
27 Time: 9:00 a.m.  
Place: Courtroom 4, 5th Floor  
Judge: Hon. Edward J. Davila

1 I, Ilan Chorowsky, declare as follows:

2 1. I am one of Plaintiffs' counsel of record in the above-captioned action, and  
3 Progressive Law Group, LLC represents Plaintiff Priyev in this matter. This declaration is based  
4 upon my personal knowledge and review of the Court dockets in this matter.

5 2. Plaintiff Priyev filed his complaint against Google in the District Court for the  
6 Northern District of Illinois, Eastern Division in February 2012.

7 3. On March 6, 2012, Plaintiff Priyev moved to certify the class as alleged in his  
8 complaint.

9 4. On March 23, 2012, the parties agreed by motion to propose to allow Google  
10 additional time to respond to the complaint, and the Court granted that motion.

11 5. Ultimately, Google moved to dismiss on various grounds, including for improper  
12 venue, on April 30, 2012.

13 6. On July 13, 2012, in lieu of responding to Google's motion to dismiss for improper  
14 venue, Priyev moved to transfer.

15 7. On August 3, 2012, Priyev filed an amended complaint and on August 10, 2012  
16 Priyev filed a second amended complaint.

17 8. Priyev's complaints, *inter alia*, made allegations related to Google's sharing of  
18 search information and Web History via referrer headers and, among other things, Google's  
19 resulting breach of its own standardized terms and duties of good faith and fair dealing related to  
20 Google's Web History service and terms and conditions. *E.g.*, *Priyev Cmplt.*, Case No. 1:12-cv-  
21 01467, Dckt. # 1, ¶¶ 14, 15, 19; *Priyev FAC*, Dckt. #40, ¶¶ 14, 15, 19 ; *Priyev SAC*, Dckt. #42, ¶¶  
22 14, 15, 19. Priyev has alleged a property interest, affirmed via Google's contract, allotted to users  
23 in their search query information or Web History, and Priyev has alleged that Google's conduct  
24 violated industry protocol. *E.g.*, *Priyev Cmplt.* ¶ 13; *Priyev FAC* ¶¶ 13, 63-64; *Priyev SAC* ¶¶ 13,  
25 63-64. Priyev has alleged that Google has improperly received revenues or profits stemming from  
26 its disclosure of search queries to third-parties via Google Analytics or advertising services. *E.g.*  
27 *Priyev Cmplt.* ¶¶ 49-50; *Priyev FAC* ¶¶ 69-70; *Priyev SAC* ¶¶ 18-25, 69-70.

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1           9.       Priyev's Second Amended Complaint alleged causes of action for Breach of  
2 Contract, Breach of Covenant of Good Faith and Fair Dealing, Breach of Contract Implied in Law,  
3 Violations of the Electronic Communications Privacy Act, Violations of California's Unfair  
4 Competition Law, and Claims for Declaratory and Injunctive Relief. *Priyev* SAC ¶¶ 82-165.

5           10.       On August 28, 2012, the court in the Northern District of Illinois granted Priyev's  
6 contested and fully briefed motion to transfer and ordered his case transferred to the Northern  
7 District of California.

8           11.       On December 18, 2013, Priyev's case file was electronically transferred to the  
9 Northern District of California.

10          12.       On January 8, 2013, the *Priyev* action was officially transferred in to the Northern  
11 District of California's docket.

12          13.       During this litigation, Priyev and Google engaged in discussions of possible case  
13 resolution. Plaintiff Priyev agreed to work in conjunction with Plaintiffs Gaos and Italiano to  
14 resolve the claims from the *Priyev* and *Gaos* cases with Google, because such a joint resolution  
15 would be most effective and in light of the prior filed *Gaos* litigation.

16          14.       Counsel for all parties engaged in formal mediation on January 28, 2013.

17          15.       All parties successfully reached an agreement in principle at the formal mediation,  
18 and settlement terms, memorialized in the parties' Settlement Agreement annexed to the extant  
19 Motion for Preliminary Approval, were negotiated and finalized in the months following  
20 mediation.

21          16.       On April 26, 2013, in light of the proposed settlement of both cases, the parties  
22 jointly stipulated and requested that the Court approve their stipulation to consolidate the cases  
23 and accept plaintiffs' proposed consolidated class action complaint. Case No. 5:10-cv-04809-  
24 EJD, Dckt. No. 50.

25          17.       On April 30, 2013, the Court granted the parties' stipulation to consolidate the two  
26 cases. The *Priyev* matter was reassigned to Judge Davila on May 1, 2013, and the *Priyev* and  
27  
28

1 *Gaos* matters were consolidated as *In re GOOGLE REFERRER HEADER PRIVACY*  
2 *LITIGATION*.

3 18. The consolidated complaint, now the operative complaint in this matter,  
4 incorporates claims and allegations from both the *Priyev* and *Gaos* matters.

5 19. *Priyev* initiated his action, identified claims, and benefitted throughout the  
6 litigation due to substantial factual research, analysis and investigation by counsel.

7 20. From the start of his litigation and negotiations with Google, *Priyev* consistently  
8 sought to negotiate terms aimed at advising class members of Google's alleged business practices  
9 at issue.

10 21. The parties reached the proposed settlement in the face of vigorous opposition from  
11 Google throughout the *Priyev* litigation and in the course of the related and joint negotiations.

12 22. Annexed hereto is a summary of the background and experience of the attorneys  
13 working with our law firm.

14 The foregoing is true and correct to the best of my knowledge. Executed this 19th day of  
15 July, 2013, in Chicago, Illinois.

16 Respectfully submitted,

17 /s/ Ilan Chorowsky  
18 Ilan Chorowsky, Esq.

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# EXHIBIT 2-A



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#### FIRM PROFILE

Progressive Law Group LLC in Chicago, Illinois is a law practice dedicated to protecting people through class action litigation. PLG prosecutes consumer, employee, and antitrust claims in Illinois and venues nationwide. PLG works with its sister law practice, Progressive Law Group LLC based in Madison, Wisconsin, to prosecute class action litigation.

#### ATTORNEY PROFILES

**Frank Jablonski (Madison, WI)** founded the Progressive Law Group LLC practice in Madison, Wisconsin, in 2004. He focuses on trials and related work (litigation, mediation, and arbitration). He has represented persons harmed by corporate malfeasance, communities, non-profit organizations, businesses and business shareholders, and individuals, including both individual consumers and landowners subject to condemnation “takings” by utility companies. He has a broad legal and policy background, having worked on legislation and rules as a lobbyist for environmental and industry organizations. He has been honored twice for his work on public policy issues through Wisconsin Legislative Council Special Committees (1985 and 1993). He has also managed small and medium businesses, including a wood products manufacturing division within a Wisconsin manufacturing, distribution, and energy services Company, and a subsidiary of Puget Sound Power and Light Company, an investor-owned utility. Over the last 27 years he has been lead counsel for clients retained in administrative, regulatory, trial and appellate court actions too numerous to recount. These have involved both individual and class action consumer matters, ranging from misrepresentation to telecommunications to contaminated pet food. They have also included environmental matters such as regulated industries, energy facilities development and impacts (e.g. planning dockets, power plants, transmission lines, stray voltage, EMF), licensing and permitting, transportation, land use, and business disputes (contracts, fair competition, stockholder disputes, and the duties of owners to each other and to the shared enterprise). (J.D., University of Wisconsin, 1983).

**Ilan Chorowsky (Chicago, IL)** concentrates his practice in multi-state class action litigation of consumer, employee, and antitrust claims in federal and state court venues, and presently serves as the Co-President of the Illinois Chapter of the Wisconsin Bar Association. He has served as counsel in numerous class actions resulting in recovery of tens of millions of dollars and other favorable relief for class members. Mr. Chorowsky has also represented several Indian tribes in a variety of litigation, employment, and environmental matters, and has successfully prosecuted actions and defended clients in commercial and contract litigation. He has served as a member of the Board of Directors for the Wisconsin Bar Public Interest Law Section, and the American Bar Association AIDS Coordinating Committee, and has lectured at the Loyola University Chicago School of Law, the John Marshall Law School, the University of Wisconsin Schools of Law and Medicine, and the Wisconsin State Bar Convention. A 1996 graduate of the University of Wisconsin Law School, he clerked for the Wisconsin Department of Justice Civil Litigation Unit, and was employed by *The Washington Post*, the National Endowment for the Arts, and as a researcher for the Smithsonian Institute Woodrow Wilson Center for Scholars prior to practicing law. He has represented and counseled indigent clients in various matters including in connection with the Legal Assistance Foundation of Chicago and the Chicago Legal Clinic. He previously successfully prosecuted class action lawsuits for several years as an attorney with Larry D. Drury Ltd., and has served as an attorney in a variety of cases resulting in class action settlements, including *In re Vitamins* antitrust litigation, and lawsuits filed against the *Chicago Sun-Times*, Village of Crestwood, Illinois, and Conseco Insurance Co. He has been appointed class counsel, and has worked as lead or co-lead counsel in class actions lodged against several defendants, including Sprint United Management Company and Sprint Nextel Corporation, and Guitar Center, Inc. He presently serves as liaison counsel in *In RE: Dairy Farmers of America, Inc. Cheese Antitrust Litigation*, MDL 2031. He holds degrees from the University of Wisconsin-Madison (B.A. – Hon., 1992) (J.D., 1996).

**Mark A. Bulgarelli (Chicago, IL)** is a dedicated professional who concentrates his practice in litigation of class action, employment, consumer fraud, antitrust, and contract disputes. Mr. Bulgarelli has successfully prosecuted claims on behalf of individuals and governments in state court, federal courts, bankruptcy courts, appellate courts, and before the Equal Employment Opportunity Commission. He is admitted to practice law in Illinois, the United States District Court for the Northern District of Illinois, the United States District Court for the Western District of Michigan, and the United States Court of Appeals for the Fifth and Ninth Circuits. Prior to becoming a member of Progressive Law Group, Mr. Bulgarelli was an attorney at Keaton & Associates, P.C. and Foote, Meyers, Mielke & Flowers, LLC. In the course of his career, Mr. Bulgarelli has litigated numerous complex and class action cases, including, but not limited to RICO, FLSA, mass tort, Qui Tam, and consumer products cases, along with cases under the Perishable Agricultural Commodities Act. He has been appointed class counsel and worked as lead counsel in class action settlements against Tri-State Auto Auction Company and Brainfuse, Inc. Mr. Bulgarelli received his undergraduate degree from Indiana University and was a member of the university's Honors College. Mr. Bulgarelli received his law degree and a Certificate in International Trade and Development Law from Valparaiso University where he was also a member of the law school's Jessup International Moot Court Team (J.D., 2004).

**Alex Stepick (Chicago, IL)** has served as counsel for plaintiffs in multiple class action proceedings. Mr. Stepick was a graduate fellow with the U.S. Congress Committee on the



Judiciary, and a clerk with the United States Department of Justice. While in law school Mr. Stepick was a member of Washington University Law's international moot court program, winning the "Best Advocate" award, the highest individual honor, and carrying his team to the semi-finals at the Niagara International Moot Court Competition in Toronto, Canada in 2009. Prior to joining Progressive Law Group, Mr. Stepick completed a post-graduate fellowship working as a Staff Attorney at the Florida International University's Immigration & Human Rights Clinic in Miami, FL. (J.D., Washington University School of Law in Saint Louis, 2010; A.B., The University of Chicago, 2006).

**Adrienne M. Zibelman (Chicago, IL)**, *Of Counsel*, has more than 20 years of legal experience in the areas of business litigation and corporate transactional work, compliance, and health care law, both as in-house counsel for United Health Group and in private practice. Ms. Zibelman has represented many corporations and individuals in complex civil litigation. She also employs a breadth of experience in real estate, labor, probate, and business matters. She formerly served as editor at Wolters Kluwer, one of the largest legal publishing companies in the world. (J.D. and Masters of Law in Health, DePaul University School of Law).

**Sang Yup Lee (Chicago, IL)**, *Of Counsel*, has contributed to the prosecution of numerous class actions and previously interned for the Honorable Judge Mary Yu, with the Superior Court in Washington State. Mr. Lee has worked for legal services agencies and defense agencies before and during law school. Mr. Lee also worked as an Article Editor for the Journal of Law, Ethics & Public Policy, and served his law school community as Co-President of the Public Interest Law Forum and President of the Asian Law Student Association. (J.D., University of Notre Dame Law School, 2009).

**Anita Dellaria (Chicago, IL)**, *Of Counsel*, graduated from The John Marshall Law School in Chicago in January, 2010. She received a CALI award for her course work in Fair Housing Law and served gratefully as an intern in The John Marshall Law School Fair Housing Legal Clinic where she worked on cases involving housing discrimination. She also served as an extern for the Honorable Thomas P. Quinn of the Circuit Court of Cook County and as an intern with the Board of Education of the City of Chicago, Law Department. Ms. Dellaria earned her law degree while working full-time as a high school English teacher. She is a native Chicagoan, a poet, and associate editor of the *Tribeca Poetry Review*.

**Jeff W. Nichols (Madison, WI)**, *Of Counsel*, has tried civil and criminal cases in federal and state courts since 1991, including extensive representation of indigent defendants both as a State of Wisconsin public defender and as a private attorney. He has also represented clients in the Wisconsin State Court of Appeals and the federal Seventh Circuit Court of Appeals. He is currently a member of the board of the law office practice management section for the Wisconsin state bar. (J.D., University of Wisconsin, 1991).

**Krista Ralston (Madison, WI)**, *Of Counsel*, is an emerita clinical law professor who has specialized in criminal and civil litigation for more than 25 years. Before becoming a full-time clinical professor and program director at the University of Wisconsin Law School in 1990, she practiced law in both the private and public sectors. Her practice experience includes a federal clerkship with Chief Judge Barbara Crabb (W.D. Wisc.), two years as an Assistant U.S. Attorney

and several years in private practice. She has litigated hundreds of cases in both state and federal courts, including a variety of complex, multi-party cases. She was also “of counsel” in several class action suits brought by the former Youth, Policy and Law Center in Madison, WI. As clinical law professor and program director of a trial-level criminal defense clinical program, Ms. Ralston specialized in teaching litigation technique and theory through live-client clinical supervision and classroom courses such as trial and pre-trial advocacy and evidence. She also coached mock trial teams in regional and national competitions, presented papers at national and international conferences, taught as a visiting professor in Giessen, Germany, and published articles in legal journals. She has been active in national, state and local organizations advocating for the disenfranchised, including sitting on various professional and community-action boards of directors, and is the recipient of numerous law school and professional awards. (J.D., University of Wisconsin, 1979).

**Carmen Rumbaut (Madison, WI)**, *Of Counsel*, has practiced law in Texas as a plaintiff-side civil rights attorney representing clients in class actions and individual employment discrimination lawsuits in both state and federal courts. She has served on the board of directors of the Wisconsin Association of Mediators. (J.D., University of Texas School of Law, 1989).