

# EXHIBIT 5

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15 Attorneys for Plaintiffs and the Putative Class

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

19 In re GOOGLE REFERRER HEADER PRIVACY  
20 LITIGATION

21 \_\_\_\_\_  
22 This Document Relates To: All Actions

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

24 CLASS ACTION

25 **DECLARATION OF KASSRA  
26 NASSIRI IN SUPPORT OF  
27 MOTION FOR PRELIMINARY  
28 APPROVAL OF SETTLEMENT**

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

1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

2 1. I am an attorney admitted to practice in the State of California and represent  
3 Plaintiffs in the above-titled action. I am over the age of eighteen and am fully competent to make  
4 this declaration. This declaration is based upon my personal knowledge, except where expressly  
5 noted otherwise.

6 2. I am a partner at the law firm of Nassiri & Jung LLP, which has been retained to  
7 represent named plaintiff Paloma Gaos in this matter.

8 3. Attached as Exhibit A to this declaration is a true and accurate copy of the firm  
9 resume of Nassiri & Jung LLP.

10 4. Nassiri & Jung LLP and its lawyers have regularly engaged in major complex  
11 litigation and have extensive experience in class actions that are similar in size, scope and  
12 complexity to the present case.

13 5. Prior to and throughout the duration of this litigation, Nassiri & Jung LLP has  
14 diligently investigated and prosecuted this matter, dedicating substantial resources to the  
15 investigation of the claims at issue in the action, and has successfully negotiated the settlement of  
16 this matter to the benefit of the proposed Class. Although I am confident in the strength of  
17 Plaintiffs' claims and believe Plaintiffs would ultimately prevail at trial, I also recognize that this  
18 litigation is particularly risky. In light of all known facts and circumstances, including the shifting  
19 legal landscape, the risk of delay, the uncertainty of recovery, and the probable defenses available  
20 to Defendant, I believe that the proposed settlement is fair, reasonable, adequate, and is in the best  
21 interest of the Class.

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct.

24 Dated: July 19, 2013

NASSIRI & JUNG LLP

25  
26 /s/ Kassra P. Nassiri  
Kassra P. Nassiri

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# EXHIBIT 5-A

## NASSIRI & JUNG LLP FIRM RESUME

NASSIRI & JUNG LLP concentrates in class action litigation, consumer litigation, privacy and unfair competition litigation, wage and hour litigation, and other complex business litigation. The firm's attorneys studied at the top schools in the country, including Harvard, Stanford, Duke, and U.C. Berkeley. Before joining Nassiri & Jung, the firm's lawyers practiced at some of the most renowned law firms in the country, including Kirkland & Ellis, Wilson Sonsini Goodrich & Rosati, and Orrick, Herrington & Sutcliffe. Nassiri & Jung's lawyers have successfully litigated dozens of class action cases on behalf of both plaintiffs and defendants in the areas of consumer, wage and hour, and securities law.

Some of our cases have included:

- *Settlement Recovery Center v. Valueclick, Inc.*, No. 07-cv-02641 (C.D. Cal.): Co-lead counsel in class action alleging fraudulent commission payments related to internet advertising.
- *Stevens v. salesforce.com*, No. CIV-508644 (San Mateo County Sup. Ct.): Lead counsel in wage and hour misclassification class action.
- *In Re: Facebook Privacy Litigation*, No. 10-cv-02389-JW (N.D. Cal.): Co-lead counsel in privacy class action.
- *Gonzales v. Lowe's HIW, Inc.*, No. 72 160 01107 11 ANRO (AAA): Co-lead counsel in putative wage and hour misclassification class action.
- *Radcliffe v. Lowe's HIW, Inc.*, No. 72 160 00207 12 ANRO (AAA): Co-lead counsel in putative wage and hour misclassification class action.
- *Clark v. Sprint Spectrum L.P.*, No. 10-cv-03625 (N.D. Cal.): counsel in putative class action alleging material omissions and fraudulent practices related to cell phone insurance.
- *Morgenstein v. AT&T Mobility LLC*, No. 09-cv-03173 (N.D. Cal.): counsel in putative class action alleging unfair billing practices related to cell phone service.
- *Kemp v. 51job, Inc.*, No. 05-cv-00974 (S.D.N.Y): defense counsel in PSLRA class action.
- *Hanrahan v. Hewlett-Packard Co.*, No. 05-cv-02047 (N.D. Cal.): defense counsel in PSLRA class action.
- *In re Intrabiotics Pharmaceuticals, Inc. Sec. Litig.*, No. 04-cv-03064 (N.D. Cal.): defense counsel in PSLRA class action.
- *In re LeapFrog Enterprises, Inc. Sec. Litig.*, No. 03-cv-05481 (N.D. Cal.): defense counsel in PSLRA class action.
- *In re Read-Rite Corp. Sec. Litig.*, No. 98-cv-20434 (N.D. Cal.): defense counsel in PSLRA class action.
- *Guzman v. Gloria's Bar & Grill, Inc.*, No. BC480807 (Los Angeles County Superior Court): defense counsel in wage and hour class action alleging failure to pay overtime, wage statement violations, meal and rest break violations, and waiting time penalties.

- *Enriquez v. Packet Fusion, Inc.*, No. CIV 502628 (San Mateo County Superior Court): Plaintiff's counsel in employee misclassification class action alleging failure to pay overtime, wage statement violations, and waiting time penalties.
- *Veliz v. Gloria's Cocina Mexicana*, No. BC440209, (Los Angeles County Superior Court): defense counsel in wage and hour class action alleging failure to pay overtime, wage statement violations, meal and rest break violations, and waiting time penalties.
- *Del Rosario v. Centennial Healthcare, et al.*, No. BC469224 (Los Angeles County Superior Court): defense counsel in wage and hour class action alleging failure to pay overtime and minimum wage, wage statement violations, meal and rest break violations, and waiting time penalties.
- *Navas v. Sunrise Plumbing & Mechanical, Inc.*, No. BC472140 (Los Angeles County Superior Court): defense counsel in wage and hour class action alleging failure to pay overtime.
- *Oregal v. Bay Contract Maintenance Corp.*, No. CIV-472076 (San Mateo County Superior Court): defense counsel in class action alleging unpaid overtime wages.
- *Leon v. Fortress Security Corp.*, No. BC438935 (Los Angeles County Superior Court): defense counsel in class action alleging failure to provide meal and rest breaks.
- *Ortiz v. Summer Systems, Inc.*, No. BC400075 (Los Angeles County Superior Court): defense counsel in class action alleging unpaid overtime wages.
- *Cruz v. Marvel Maids, Inc.*, No. CGC-499197 (San Francisco County Superior Court): defense counsel in putative class action alleging unpaid wages.
- *Cervantes v. Liu Cheng Inc.*, No. 08-cv-3817 (N.D. Cal.): defense counsel in putative FLSA action alleging FLSA violations.
- *Osorio v. Divad Tran*, No. 08-cv-4007 (N.D. Cal.): defense counsel in putative FLSA action alleging FLSA violations.

## ATTORNEYS

### **Kassra P. Nassiri**

Kassra P. Nassiri is a trial lawyer who maintains a broad-based complex litigation practice focusing on business and consumer matters. Mr. Nassiri has represented large and small businesses in trade secret actions, employment disputes, fraud and business tort cases, corporate governance and shareholder litigation, and complex contract disputes. He has won cases both at the pleading stage and through jury verdicts. Mr. Nassiri was selected for inclusion on the list of Super Lawyers in 2012 by Super Lawyers® magazine. He was also selected for inclusion in the list of Rising Stars in 2011, 2010 and 2009 by the same publication.

Prior to co-founding Nassiri & Jung LLP, Mr. Nassiri was General Counsel of a multi-million dollar financial services company. Prior to that, Mr. Nassiri practiced litigation at Wilson Sonsini Goodrich & Rosati, the leading securities class-action defense firm in the

country. While at Wilson Sonsini, he successfully defended Fortune 500 companies in shareholder class action lawsuits, derivative lawsuits, and SEC investigations, including:

- *Hewlett-Packard*: Defended company in securities fraud class action.
- *LeapFrog*: Obtained dismissal of derivative complaint and securities fraud class action.
- *IntraBiotics*: Obtained dismissal of securities fraud class action.
- *EMC/Legato Systems*: Defended merger challenge.
- *Read-Rite*: Obtained dismissal of securities fraud class action.

Mr. Nassiri earned his law degree from Harvard Law School. While in law school, Mr. Nassiri taught economics courses at Harvard College. He earned his master's degree in economics from Stanford University, where he was awarded the Stanford Graduate Fellowship. He earned his bachelor's degree from the University of California, Berkeley, where he was a member of Phi Beta Kappa. Mr. Nassiri also served as a Special District Attorney in Marin County, where he tried numerous cases through to jury verdicts.

### **Charles H. Jung**

Charles H. Jung is a trial lawyer who loves practicing law. His practice emphasizes aggressive trial advocacy, wage and hour litigation, class action litigation, and employment litigation. Mr. Jung was selected for inclusion on the list of Super Lawyers in 2011 by Super Lawyers® magazine. He was also selected for inclusion on the list of Rising Stars in 2010 and 2009 by the same publication. Mr. Jung is the author of California Wage & Hour Law (calwages.com) and California Class Action Law (classactionsblog.com).

Mr. Jung earned his law degree from Stanford Law School, graduating with distinction. While at Stanford, he served as an Articles Editor for the Stanford Law Review. Mr. Jung earned his master's degree in public policy from the John F. Kennedy School of Government at Harvard University. At Harvard, Mr. Jung was a Kennedy Fellow. He earned his bachelor's degree, *magna cum laude*, from Duke University with a dual degree in economics and public policy. Mr. Jung also served as a Special District Attorney in Marin County, where he tried numerous cases through to jury verdicts.

Mr. Jung has successfully represented individual clients and major companies, including:

- *Discover Financial Services, Inc.*: after filing a motion to dismiss, obtained voluntary dismissal of representative action under Cal. Bus. & Prof. Code § 17200.
- *Morgan Stanley DW Inc.*: defended company against its largest arbitration claims.
- *Clifford Chance*: defended world's largest law firm against claims involving breakup of technology law firm Brobeck.

Recently Mr. Jung defended a services company against class action claims, resolving the dispute for less than 3% of potential exposure; and he defended an employer against discrimination claims, settling for less than 1% of original demand. He has litigated against law firms such as Gibson Dunn, Paul Hastings, and Cooley Godward.

**John J. Manier**

John J. Manier is a trial and appellate lawyer, focusing primarily on employment law and related litigation. He has appeared and argued before the D.C. Circuit, the California Supreme Court and other state and federal courts and has been counsel of record in several ground-breaking cases, including the following:

- *Venetian Casino Resort, LLC v. EEOC*, 530 F.3d 925 (D.C. Cir. 2008) [EEOC policies for disclosing confidential commercial information to third parties, without notice to the employer, was arbitrary and capricious in violation of federal administrative law];
- *Venetian Casino Resort, LLC v. EEOC*, 409 F.3d 359 (D.C. Cir. 2005) [employer's challenge to EEOC policies was ripe];
- *Reeves v. Hanlon*, 33 Cal.4th 1140 (2004) [employer may sue competitor for tortious interference with at-will employment contracts between employer and its employees];
- *Turner v. Anheuser-Busch, Inc.*, 7 Cal.4th 1238 (1994) [establishing standards for constructive wrongful discharge cases in California];
- *GAB Business Services, Inc. v. Lindsey & Newsom Claim Services, Inc.*, 83 Cal.App.4th 409 (2000) [corporate officer owed fiduciary duty of loyalty as a matter of law];
- *Saret-Cook v. Gilbert, Kelly, Crowley & Jennett*, 74 Cal.App.4th 1211 (1999) [affirming \$650,000 attorney fee award for an employer who obtained a defense judgment in a sex harassment and discrimination lawsuit];
- *Bardin v. Lockheed Aeronautical Systems Co.*, 70 Cal.App.4th 494 (1999) [company's communications to Los Angeles Police Department during background check on former company employee were absolutely privileged from tort liability];
- *Kirmse v. Nikko Hotel San Francisco*, 51 Cal.App.4th 311 (1996) [affirming summary judgment for employer on job bias and related claims, even though claims were not barred by treaty between United States and Japan]; and
- *Eng v. County of Los Angeles*, 737 F. Supp. 2d 1078 (C.D. Cal. 2010) [granting summary judgment for the County and an individual defendant on a Deputy DA's claim for retaliation in violation of the First Amendment and 42 U.S.C. § 1983].

Mr. Manier earned his law degree from UCLA School of Law (J.D. 1989), where he served as an Editor of the UCLA Law Review and received the American Jurisprudence Awards for Excellence in Property and Constitutional Law. Mr. Manier is a graduate of the University of Notre Dame, where he earned his B.A. in 1986. Mr. Manier served as a Law Clerk to the late Irving Hill, Senior United States District Judge, Central District of California.

**Andrew R. Kislik**

Andrew R. Kislik is an experienced litigator who trained at Gibson, Dunn & Crutcher, and who was a principal of Cohen & Ostler in Palo Alto for 16 years. His practice focuses on complex commercial litigation, wage & hour litigation, intellectual property litigation, and employment law. Mr. Kislik has obtained numerous summary judgments, has successfully arbitrated and litigated many cases, and has successfully represented innumerable individual clients and companies, including the following:



- *Rodeway Express*: successfully settled an environmental contamination case for much less than the cost of defense.
- *Wipro, Inc.*: provided employment and litigation counsel in the United States.
- *Honda (USA)*: successfully settled a motorcycle products liability action for less than the cost of defense.

Mr. Kislik earned his law degree from Harvard Law School, where he served as a Note Editor of the Harvard Law Review and graduated with honors. Mr. Kislik earned his bachelor's degree in mathematics from Harvard College, where he was elected to Phi Beta Kappa and graduated with honors.

Prior to entering into private practice, Mr. Kislik served as a judicial law clerk to United States District Judge Donald D. Alsop in the District of Minnesota. Following his clerkship, Mr. Kislik served as a special master in the redistricting of Minnesota. Mr. Kislik also has worked for the labor and litigation departments of the California Judicial Council.

### **Jessica S. Kang**

Jessica S. Kang is an employment litigator who represents clients in wage & hour disputes. She has also worked with clients on employment, trade secret, copyright, and trademark matters. Prior to joining Nassiri & Jung, Ms. Kang worked as a research attorney for the Honorable Judge Stuart Hing in the Superior Court of California, County of Alameda.

Ms. Kang earned her law degree from the University of San Francisco School of Law, where she received honors in a Technology and Intellectual Property Law Certificate. While in law school, she worked at Creative Industry Law Group, primarily engaged in corporate formation transactions, entertainment, media and trademark law. Ms. Kang earned her bachelor's degree from the University of Victoria with a dual degree in English Literature and Philosophy. Prior to attending law school, she taught English as a Second Language and English Literature in Canada, Ghana and Jeonju University in Jeonju, South Korea.