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9 Attorneys for Plaintiffs and the Settlement Class

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

14 In re GOOGLE REFERRER HEADER PRIVACY
 15 LITIGATION

17 This Document Relates To: All Actions

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

CLASS ACTION

**DECLARATION OF KASSRA P.
 NASSIRI IN SUPPORT OF JOINT
 STATUS REPORT**

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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 in this District
3 and I represent Plaintiffs and the Settlement Class in the above-titled action. I am over the age of
4 eighteen and am fully competent to make this declaration. This declaration is based upon my
5 personal knowledge, except where expressly noted otherwise.

6 2. On April 25, 2014, the Class Administrator launched the fully-operational
7 settlement website (www.googlesearchsettlement.com), launched the toll-free telephone number
8 (855-332-3405) where class members can obtain additional information and request a class notice,
9 issued a press release, and implemented the publication notice plan.

10 3. A copy of the revised Class Notice that was published by the Class Administrator is
11 attached hereto as Exhibit A.

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

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16 Dated: May 2, 2014

NASSIRI & JUNG LLP

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/s/ Kassra P. Nassiri
Kassra P. Nassiri
Counsel for Plaintiffs Gaos & Italiano

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EXHIBIT A

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

A federal court authorized this notice. This is not a solicitation from a lawyer.

This Notice relates to a proposed Settlement of consolidated class action lawsuits (the “Lawsuit”) filed against Google Inc. relating to the inclusion of Google search queries in referrer headers (also called “referrer headers”) or during the provision of certain Google services. **If you used Google Search at any time after October 26, 2006, you may be a “Class Member” in this Lawsuit.**

The Settlement would resolve the legal claims against Google. Under the Settlement, Google will pay \$8.5 million to fund organizations and particular initiatives focused on Internet privacy, as well as to cover lawyers’ fees and costs and other expenses related to the Settlement. Google will also revise its “FAQs”, “Key Terms” and “About Google Web History” webpages to include conspicuous, clear and concise explanations of how and when search queries may be disclosed to third parties via referrer headers.

This Notice explains important legal rights you may have. Your legal rights will be affected regardless of whether you do or do not act. The following rights and options—**and the deadlines to exercise them**—are explained in this Notice.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	Accept the terms of this Settlement and thereby give up your rights to sue Google about the same legal claims as are made in this case.
EXCLUDE YOURSELF	This is the only option that allows you to bring your own, or be part of any other, lawsuit against Google about the legal claims resolved in this Settlement. The Deadline for Excluding Yourself is Tuesday, June 24, 2014.
OBJECT	Write to the Court about why you think the Settlement should not be approved. The Deadline for Objecting is Friday, August 8, 2014.
GO TO A HEARING	Ask to speak in Court about the fairness of the Settlement.

The Court in charge of this Lawsuit has preliminarily approved the Settlement and will hold a hearing to make a final decision to approve it. The relief provided to Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

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2. What is this case about?
3. Why is there a Settlement?
4. Why is this a class action, and how do I know if I am part of the Settlement?

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5. What does this Settlement provide?
6. What am I giving up as part of the Settlement?
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BASIC INFORMATION

1. Why did I get this Notice?

A Court authorized this Notice to inform people that may be Class Members about a proposed Settlement of this class action regarding the alleged inclusion of Google search queries in referrer headers or during the provision of certain Google services. This Notice explains the nature of the lawsuits and claims being settled, your legal rights, and the benefits to the Class.

Judge Edward Davila of the United States District Court for the Northern District of California is overseeing this class action. The case is known as *In re Google Referrer Header Privacy Litigation*. The people who sued are called the "Plaintiffs," and the company they sued, Google, Inc., is called the "Defendant."

2. What is this case about?

Google Search allows users to find certain information on the Internet by using words, numbers and phrases (the "search query") in the search box at www.google.com.

The Plaintiffs who filed this case allege that Google broke privacy promises to Google users by intentionally and systematically embedding individual search queries, and search query components of user Web Histories, in referrer headers sent to third parties without user consent or through its Analytics service.

“Referrer headers” are a standard Internet feature that web servers, web browsers, and other web-enabled tools use to communicate with each other. A referrer header is often generated when an Internet user requests a web page from a web server. The referrer header, under most circumstances, identifies the page containing the link the user clicked on to request the web page — that is, the page that “referred” the user to that web page. “Web History” is a Google service that stores a particular user’s Google search query information.

The Plaintiffs presently bring claims against Google for (i) violations of the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 et seq.; (ii) breach of contract, (iii) breach of contract implied in law, (iv) breach of the covenant of good faith and fair dealing; (v) unjust enrichment; and (vi) declaratory judgment and corresponding injunctive relief.

Google denies the accuracy of the Plaintiffs’ allegations, denies that it broke any privacy promises, and denies that it violated any law or caused any harm as alleged in the Lawsuit.

To obtain more information about this case and Settlement, please see Section 18.

For more information about referrer headers and/or how Google handles your search queries visit Google’s FAQ, Key Terms [and About Google Web History webpages](https://www.google.com/intl/en/policies/privacy/key-terms/), currently available at <https://www.google.com/intl/en/policies/privacy/key-terms/>, <https://www.google.com/policies/privacy/faq> and <https://support.google.com/accounts/answer/54068?hl=en>, respectively.

3. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or Google. Instead, both sides agreed to settle this case. That way, they avoid the costs and risk of a trial, and the Class will receive relief when the Settlement is final, rather than years from now, if at all.

4. Why is this a class action, and how do I know if I am part of the Settlement?

In a class action, one or more people called “class representatives” (in this case, Paloma Gaos, Anthony Italiano and Gabriel Priyev) sue on behalf of people who have similar claims. All of these people who may have similar claims form a “Class” and are “Class Members.” The Settlement resolves the issues for all Class Members, except those who exclude themselves from the Class, as explained in Section 8.

To know if you will be affected by this Settlement, you first have to determine if you are a Class Member. The Court decided that the Class includes all users of Google Search in the United States from October 26, 2006 through April 25, 2014. The Class also includes anyone who could bring any of the claims in the Lawsuit on behalf of these users of Google Search, such as representatives, heirs, administrators, and assigns. If you are not sure whether you are in the Class, or have any other questions about the Settlement, visit www.googlesearchsettlement.com, or write with questions to:

Info@GoogleSearchSettlement.com

or

Google Referrer Header Privacy Litigation
Settlement Administrator
P.O. Box 2002
Chanhassen, MN 55317-2002

THE SETTLEMENT BENEFITS

5. What does this Settlement provide?

If the proposed Settlement is finally approved by the Court, and after any appeals are resolved, Google has agreed to:

- Pay a total of \$8,500,000 into an interest-bearing account. This \$8,500,000, plus interest, will constitute the “Settlement Amount.” Because millions of persons are estimated to be part of the Class, a distribution of the Settlement Amount to the Class would not be feasible. **Therefore, no individual class member will receive money as a result of this Settlement.** The Settlement Amount, net of any attorney fees and costs, expenses in administering the settlement, and service awards to the Class Representatives (i.e., the Net Settlement Amount), will be distributed to organizations to advance the privacy interests of Internet users such as the Class Members. Subject to Court approval and agreement by the organizations to use the funds they receive from this settlement to promote public awareness and education, and/or to support research, development, and initiatives, related to protecting privacy on the Internet, the organizations that might receive payment under the Settlement are: World

Privacy Forum, Carnegie-Mellon, Chicago-Kent College of Law Center for Information, Society, and Policy, Berkman Center for Internet and Society at Harvard University, Stanford Center for Internet and Society, and AARP, Inc.

Please check www.googlesearchsettlement.com periodically for any updates regarding which potential recipients will be presented to the Court for final approval, how much each potential recipient will receive, and how each potential recipient proposes to use any funds it receives. **The final recipient list and percentage of the Net Settlement Amount to go to each recipient will be posted on the website not later than sixty days after the settlement's Effective Date.**

- Make lasting changes to Google's FAQs and Key Terms to more fully explain how search queries are handled and actually or potentially made available to third parties.

6. What am I giving up as part of the Settlement?

If the Settlement becomes final, Class Members will be releasing Google (and certain others related to Google, such as Google directors, officers and employees) from all of the settled claims. This means that you will no longer be able to sue Google (or the other released parties) regarding any of the settled claims if you are a Class Member and do not timely and properly exclude yourself from the Class.

The settled claims are any known or unknown claims that any Class Member may at any time have up to March 26, 2014, arising out of the subject matter giving rise to the claims in the lawsuits that were consolidated into this Lawsuit. For a summary of the subject matter in the lawsuits, see Section 2, Section 18, and the Consolidated Complaint. In addition, Class Members expressly waive and relinquish the provisions of California Civil Code § 1542 (and all other similar provisions of law) to the full extent that these provisions may be applicable to this release. California Civil Code § 1542 provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN TO HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

The full text of the Settlement Agreement, which includes all the provisions about settled claims and releases, is available at www.googlesearchsettlement.com.

7. Will the Class Representatives receive any compensation for their efforts in bringing this Lawsuit?

Paloma Gaos, Anthony Italiano, and Gabriel Priyev will request a service award of up to \$5,000.00 each for their services as class representatives and their efforts in bringing the Lawsuit. The Court will make the final decision as to the amount, if any, to be paid to the Class Representatives.

EXCLUDING YOURSELF FROM THE SETTLEMENT

8. How do I exclude myself from the Settlement?

Class Members who do not want to be part of the Settlement must complete a form requesting to be excluded. The form and instructions for its submission are available at www.googlesearchsettlement.com, or from the Class Administrator (see Section 18 for contact information). Requests for exclusion must be made on an individual basis and submitted no later than June 24, 2014.

9. If I do not exclude myself, can I sue later?

No, if you are a Class Member. If you do not exclude yourself, you forever give up the right to sue Google for all of the claims that this Settlement resolves.

If you submit a valid and timely request to be excluded, you cannot object to the proposed Settlement. However, if you ask to be excluded, you may sue or continue to sue Google about the same claims resolved by this Settlement in the future. You will not be bound by anything that happens in this Lawsuit.

10. What happens if I do nothing at all?

If you are a Class Member and do nothing, and you do not exclude yourself, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against Google and the other released parties about the settled claims in this case at any time.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

The Court has ordered that Kassra Nassiri of Nassiri & Jung LLP, Michael Aschenbrener of Aschenbrener Law, P.C., and Ilan Chorowsky of Progressive Law Group, LLC (together, “Class Counsel”) will represent the interests of all Class Members. Class Members will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

12. How will the lawyers be paid?

Class Counsel will request up to 25% or \$2.125 million of the Settlement Fund for their attorneys’ fees and up to \$30,000 to cover their out-of-pocket costs. To see a copy of Class Counsel’s application for attorneys’ fees and costs, which will be available prior to the Fairness Hearing, please visit www.googlesearchsettlement.com. The Court will make the final decisions as to the amounts to be paid to Class Counsel, and may award less than the amounts requested by Class Counsel.

OBJECTING TO THE SETTLEMENT

13. How do I tell the Court that I do not like the Settlement?

You can object to the Settlement if you do not like any part of it. You must give the reasons why you think the Court should not approve the Settlement. To object, you must deliver to the Class Administrator, Class Counsel and Google’s counsel, and file with the Court, a written statement of your objection(s). The written statement must include (i) your full name, address, telephone number and signature; (ii) the name of the Lawsuit; (iii) the specific reasons why you object to the Settlement; (iv) copies of any evidence and legal authority you would like the Court to consider; (v) information demonstrating that you are a Class Member; and (vi) whether you or your attorney will appear at the fairness hearing (see Section 14). You must send a copy of your objection by First-Class mail to the four different places listed below, postmarked no later than August 8, 2014.

COURT

U.S. District Court
Clerk’s Office
280 S. 1st Street
San Jose, CA 95113

CLASS COUNSEL

Kassra Nassiri
Nassiri & Jung LLP
47 Kearny Street, Suite 700
San Francisco, CA 94108

DEFENSE COUNSEL

Edward D. Johnson
Mayer Brown LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112

CLASS ADMINISTRATOR

Google Referrer Header Privacy Litigation
Settlement Administrator
P.O. Box 2002
Chanhassen, MN 55317-2002

If you or your attorney intends to make an appearance at the Fairness Hearing and you have not so indicated in your objection, you must also deliver, according to the above procedures, no later than August 8, 2014, a Notice of Intention to Appear. Any attorney hired by a Class Member to represent him or her and appear at the Fairness Hearing must also file a notice of appearance with the Court no later than August 8, 2014.

If you fail to comply with these requirements, or fail to submit your objection before the deadline, you will be deemed to have waived all objections and will not be entitled to speak at the fairness hearing.

14. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don’t want to be part of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE COURT’S FAIRNESS HEARING

15. When and where will the Court decide whether to approve the Settlement?

A Court has preliminarily approved the Settlement and will hold a hearing to determine whether to give final approval to the Settlement. The purpose of the Fairness Hearing is for the Court to determine whether the Settlement should be approved

as fair, reasonable, adequate, and in the best interests of the Class to consider the award of attorneys' fees and expenses to Class Counsel and to consider the request for a service awards to the Class Representatives.

The Court will hold the Fairness Hearing on August 29, 2014, at United States District Court, Northern District of California, San Jose Division, 280 South 1st Street, San Jose California, 95113, Courtroom 4, 5th Floor, before the honorable Edward J Davila. The hearing may be postponed to a different time or location without additional notice, so it is recommended that you periodically check www.googlesearchsettlement.com for updated information.

16. Do I have to come to the hearing?

No, you are not required to come to the Fairness Hearing. However, you are welcome to attend the hearing at your own expense. If you send a written objection, you do not have to come to the hearing to talk about it. As long as you submitted the written objection and it was received on time, the Court will consider it. You also may pay your own lawyer to attend the Fairness Hearing, but that is not necessary.

17. May I speak at the hearing?

As described in Section 13, you may speak at the Fairness Hearing only if (a) you have timely served and filed an objection, and (b) followed the procedures set forth in Section 13 for notifying the Court and the parties that you intend to speak at the Fairness Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

GETTING MORE INFORMATION

18. How do I get more information about the Settlement?

This Notice summarizes the proposed Settlement.

To see a copy of the actual Settlement Agreement, the complaints filed in this Lawsuit, the Court's Preliminary Approval Order, Class Counsel's application for attorneys' fees and costs, and other pertinent information, **and to check the status of the Settlement or if the Settlement has been approved by the Court**, please visit www.googlesearchsettlement.com.

You may also contact the Class Administrator at Info@GoogleSearchSettlement.com or:

Google Referrer Header Privacy Litigation
Settlement Administrator
P.O. Box 2002
Chanhassen, MN 55317-2002

To see papers filed with the Court and a history of this Lawsuit, you may visit the website for the Administrative Office of the U.S. Courts, PACER Service Center, located at <http://pacer.psc.uscourts.gov/> and reference In re GOOGLE REFERRER HEADER PRIVACY LITIGATION, Case No. 5:10-cv-04809-EJD, and UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION. Alternatively, to see Court papers and history in the lawsuits that were consolidated into this Lawsuit, reference the above case information, as well as *Priyev v. Google Inc.*, Case No. 1:2012-cv-01467, Northern District of Illinois, and *Priyev v. Google Inc.*, Case No. 5:2013-cv-00093, Northern District of California. You may also visit or call the Clerk's office at the United States District Court for the Northern District of California, 280 South 1st Street, San Jose, California, 95113. The Clerk will tell you how to obtain the complete file for inspection and copying at your own expense.

You may also contact Class Counsel, Kassra Nassiri of Nassiri & Jung LLP as follows:

Kassra Nassiri
Nassiri & Jung LLP
47 Kearny Street, Suite 700
San Francisco, CA 94108
Telephone: 415-762-3100
Facsimile: 415-534-3200

PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.