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 6 Attorney for Objector
 David Weiner

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

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 12 In re GOOGLE REFERRER HEADER } Case No. 5:10-CV-4809-EJD
 13 PRIVACY LITIGATION }
 14 } **CLASS ACTION**
 15 } **OBJECTIONS TO PROPOSED**
 16 This Document Relates To: All Actions } **CLASS ACTION SETTLEMENT**
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23 Class member, DAVID WEINER, pursuant to the proposed settlement
 24 makes the following statement:

- 25 a. My name is David Weiner;
 26 b. My address is 5245 Lanier Lane, Cumming, GA 30041;
 27 c. My telephone number is 678-883-8088;
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- 1 d. I hereby state under oath that I am a computer Solutions Architect and
2 have submitted a search query to Google multiple times since October
3 25, 2006 and am a class member per the proposed settlement;
4 e. I will not appear at the fairness hearing nor will my attorney;
5 f. I object to the proposed settlement as stated herein.
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7 Class member, DAVID WEINER, pursuant to the proposed settlement makes the
8 following objections to such settlement in this case In re GOOGLE REFERRER
9 HEADER PRIVACY LITIGATION Case No. 5:10-CV-4809-EJD:

10 **OBJECTION**

11 The proposed cy pres distribution is similarly unreasonable, unfair, and
12 inadequate. The objective of cy pres is to achieve the best approximation of
13 righting the wrongs caused by the underlying lawsuit. A cy pres award beneficiary
14 must qualify as "the next best distribution" to giving the funds directly to class
15 members. First, the proposed cy pres distributions (as evidenced by the proposals
16 submitted by the six organizations) do nothing to right the wrongs caused by the
17 underlying suit: Google will continue to engage in the same practices as before the
18 lawsuit. Second, the cy pres distributions are not the "next best distribution" to
19 giving the funds directly to the class because the class will not benefit from the work
20 proposed by the six organizations. None of the organizations have proposed to
21 provide any identity theft protection to class members that may have had their
22 personal/financial information disclosed, and none of the organizations have
23 proposed to stop Google from engaging in unlawful practices in the future, which
24 exposes both the class and the public to future harm. Instead, the organizations
25 merely seek to raise consumer awareness about internet privacy issues, a result that
26 is in no way different from Google's "Agreed-Upon Disclosures." As a result, the
27 proposed cy pres distributions do not benefit the class, either directly or indirectly,
28 and should be rejected.

25 The class cannot evaluate the settlement based on the limited information in the
26 notice. First, the notice fails to state the total amount of potential damages plaintiffs
27 could receive if successful at trial. The class cannot effectively evaluate the \$8.5
28 million settlement if it does not know how much plaintiffs could recover. While a
settlement certainly does not need to match this amount, the comparison must be
made to determine fairness. Second, the notice also fails to adequately explain the
alleged claims, defendant's wrongdoing, and how the settlement addresses the

1 addresses the harms and benefits the class. In order to evaluate fairness, the class
2 needs to know whether or not its interests were adequately represented.

3 The exclusion deadline was unreasonably short. Why was the opt-out deadline set
4 for June 24 while the objection deadline was set for August 8, 45 days later? The
5 different dates only serve to confuse class members. Additionally, class members
6 are forced to make a decision as to whether to stay in the class or opt-out without
7 the benefit of reading objections or comments on the proposed cy pres
8 distributions. The Court should extend the opt-out deadline and allow class
members to make an informed decision.


9 The requested attorneys' fees are unreasonable considering that the wrongs
10 outlined in the complaint have not been addressed. Aside from that, however, the
11 class has no basis to evaluate the reasonableness or fairness of the requested fees
12 because class counsel has not posted its motion for fees and costs onto the
13 settlement website. As of July 26, 14 days before the objection deadline, the
motion was not available online.

14 The release is overbroad and exposes the class and the public to great risks. In
15 exchange for the de minimis settlement benefits, the class is releasing Google from
16 all known and unknown claims related to how Google collects and shares user
17 information. The Court should narrow the release to the specific claims in the case.
18 A class member should be able to pursue an action against Google if, for example,
19 Google experiences a data breach and user information collected during the class
period is exposed.

20 CONCLUSION

21 For the foregoing reasons we object the proposed class action
22 settlement.

23 Dated: August 1, 2014

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26 MICHAEL CREAMER
27 Attorney for Objector DAVID WEINER
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OBJECTOR


DAVID WEINER

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I certify that I am over the age of 18 and not a party to the within action; my address is P.O. BOX 17743, Anaheim, California 92817

On August 6, 2014, I served the foregoing document(s) described as

OBJECTIONS TO PROPOSED CLASS ACTION SETTLEMENT

on the interested parties in this action addressed as follows:

Court ** Electronically Filed
U.S. District Court
Clerk's Office
280 S. 1st Street
San Jose, CA 95113

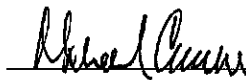
[X] **(BY MAIL)** I enclosed a true copy of the foregoing document(s) in a sealed envelope for delivery to the addressee(s) as noted. This correspondence is deposited with the U.S. postal service the same day it is placed for collection, with postage thereon fully prepaid at San Bernardino, California. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

Class Counsel
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Palo Alto, CA 94306-2112

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 6, 2014 the City of Anaheim, California.

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