

# Exhibit C

## Class Administrator Declaration

1 KASSRA P. NASSIRI (215405)  
knassiri@nassiri-jung.com  
2 NASSIRI & JUNG LLP  
47 Kearny Street, Suite 700  
3 San Francisco, California 94108  
4 Telephone: (415) 762-3100  
Facsimile: (415) 534-3200

5 MICHAEL J. ASCHENBRENER (277114)  
6 mja@aschenbrenerlaw.com  
7 ASCHENBRENER LAW, P.C.  
795 Folsom Street, First Floor  
8 San Francisco, CA 94107  
Telephone: (415) 813-6245  
9 Facsimile: (415) 813-6246

10 ILAN CHOROWSKY (*Admitted Pro Hac Vice*)  
11 (ilan@progressivelaw.com)  
12 PROGRESSIVE LAW GROUP, LLC  
1 N LaSalle Street, Suite 2255  
13 Chicago, IL 60602  
14 Tel: (312) 787-2717  
Fax: (888) 574-9038

15 Attorneys for Plaintiffs and the Putative Class

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

19  
20 In re GOOGLE REFERRER HEADER  
PRIVACY LITIGATION

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

21 **SUPPLEMENTAL DECLARATION OF**  
22 **RICHARD W. SIMMONS REGARDING**  
**CLASS NOTICE**

23  
24 This Document Relates To: All Actions

25 Date: August 29, 2014  
26 Time: 9:00 a.m.  
27 Place: Courtroom 4, 5th Floor  
28 Judge: Hon. Edward J. Davila

1 STATE OF MINNESOTA )  
2 ) SS  
3 COUNTY OF HENNEPIN )  
4

5 I, Richard W. Simmons, declare as follows:

6 1. I am the President of Analytics Consulting LLC (“Analytics”)<sup>1</sup>, a firm in Chanhassen,  
7 Minnesota, that provides consulting services relating to the design and administration of class action and  
8 mass tort litigation settlements and notice programs.

9 2. I am responsible for designing the Notice Plan for the proposed settlement in this matter and  
10 for overseeing Analytics’ execution of the Notice Plan. I am over 21 years of age, and I have personal  
11 knowledge of the facts herein and, if called as a witness, could and would testify competently thereto.

12 3. This declaration is based on my personal knowledge, information provided by Analytics  
13 personnel, and information provided by Analytics’ media partners.

14 4. As of August 5, 2014, Plaintiffs’ Motion for Fees, Costs, and Incentive Awards was available  
15 on the Settlement Website.

16 5. Class Members with questions about the Settlement were provided with contact information  
17 to ask questions to the Class Administrator via the Settlement Website, a toll-free phone number, and a  
18 P.O. Box address.

19 6. Our firm complied with all CAFA requirements, sending notification of this proposed  
20 settlement to the appropriate state and federal authorities on August 8, 2013. To date, no government  
21 official has raised an objection to the Settlement.

22 7. Four objections, on behalf of five objectors, were timely filed. These five objectors include:

- 23 1. Kim Morrison;
- 24 2. David Weiner;
- 25 3. Theodore Frank/Melissa Holyoak; and,
- 26 4. Cameron Jan.

27 \_\_\_\_\_  
28 <sup>1</sup> In October 2013, Analytics Consulting LLC acquired Analytics Incorporated (d/b/a BMC Group Class Action Services (“BMC Group”)). I was formerly the President/Managing Director of BMC Group. References to Analytics herein include the prior legal entities.

1 8. We have received no late objections.

2 9. Thirteen Class Members timely excluded themselves from the Settlement. These individuals  
3 are:

- 4 1. Charles Andrew Breiterman, New York, NY, [cbreiterman@gmail.com](mailto:cbreiterman@gmail.com)
- 5 2. Richard Wilbourn, Madison, MS, [rwilbournIII@yahoo.com](mailto:rwilbournIII@yahoo.com)
- 6 3. Kojack Davis, Gretna, LA, [kdavizoo@me.com](mailto:kdavizoo@me.com)
- 7 4. Elliott Walters, Pittsburgh, PA, [elliottmwalters@gmail.com](mailto:elliottmwalters@gmail.com)
- 8 5. Zoe Carpenter, Germantown, MD, [z03carpenter@gmail.com](mailto:z03carpenter@gmail.com)
- 9 6. Charles A. Templeton III, Garland, TX, [ctempleton3@gmail.com](mailto:ctempleton3@gmail.com)
- 10 7. Brittany Knapp, Bowie, MD, [knapptime1@aim.com](mailto:knapptime1@aim.com)
- 11 8. Justin Chang, Sunnyvale, CA, [justchang@gmail.com](mailto:justchang@gmail.com)
- 12 9. Timothy Brooks, Abingdon, MD, [tmdbd@outlook.com](mailto:tmdbd@outlook.com)
- 13 10. Nathan Wittman, Winter Park, FL, [nathanwittman@gmail.com](mailto:nathanwittman@gmail.com)
- 14 11. Aziz Hussain, Hamtramck, MI, [azizsaleh@gmail.com](mailto:azizsaleh@gmail.com)
- 15 12. Robyn Lenore Palmgren, Portland, OR, [robyp51688@yahoo.com](mailto:robyp51688@yahoo.com)
- 16 13. Francisco Roena-Santos, Broadmoor Village, CA, [neverarealityz4@aol.com](mailto:neverarealityz4@aol.com)

17 10. We have received no late requests for exclusion.

18 11. Between April 25, 2014 and May 25, 2014, digital banner advertisements regarding the  
19 settlement were displayed 221,668,171 times and viewed by an estimated 95,014,649 individuals. The  
20 banner advertisement was “clicked” (and the individual directed to the settlement website) 198,018  
21 times. This overall click-through rate (0.09%) is: 1) comparable with similarly informative digital  
22 advertisements; and 2) comparable with other legal notice campaigns. The click through rate among  
23 “Security Conscious” class members (0.15%) is significantly higher than similarly informative digital  
24 advertisements, and the click through rate among “Security Conscious” class members for  
25 advertisements displayed on technical websites was 0.25%, which is a very high click through rate.

26 12. Based upon my experience, the overall engagement rate with class members from these  
27 digital advertisements is greater than would have been with a print publication campaign. Additionally,  
28

1 the Notice Plan in this case utilized the most cost-effective method available, and the cost of the Notice  
2 Plan was in line with notice plans in similar settlements.

3 13. Consistent with the model class notices provided by the Federal Judicial Center, the  
4 digital banner advertisements used in this manner contain the same language that would have been used  
5 on the outside of an envelope in a mailed notice campaign. They also provide the same language that  
6 would have been used in an emailed notice campaign. Functionally, they provide the same information,  
7 in a similar framework: In this instance, rather than opening a letter or clicking on an email, to obtain  
8 more information, the class member clicks on a digital image and is directed to a full website regarding  
9 the settlement.

10 14. In my experience, requiring objections to be mailed rather than electronically submitted  
11 is common. In fact, of the hundreds of settlements I have administered, all have required objections to be  
12 sent via mail.

13 15. I believe the Notice Program provided the best notice practicable under the circumstances  
14 of this case.

15  
16  
17 s/ Richard W. Simmons

18 Richard W. Simmons

19  
20  
21 Dated: August 22, 2014