

1 MAYER BROWN LLP
 LEE H. RUBIN (SBN 141331)
 2 lrubin@mayerbrown.com
 EDWARD D. JOHNSON (SBN 189475)
 3 wjohnson@mayerbrown.com
 DONALD M. FALK (SBN 150256)
 4 dfalk@mayerbrown.com
 ERIC B. EVANS (SBN 232476)
 5 eevans@mayerbrown.com
 Two Palo Alto Square, Suite 300
 6 3000 El Camino Real
 Palo Alto, CA 94306-2112
 7 Telephone: (650) 331-2000
 Facsimile: (650) 331-2061

8 *Attorneys for Defendant*
 9 *Google Inc.*

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

14 IN RE: HIGH-TECH EMPLOYEE
 ANTITRUST LITIGATION

15 THIS DOCUMENT RELATES TO:
 16 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF LEE H. RUBIN IN
 SUPPORT OF GOOGLE INC.'S
 OPPOSITION TO PLAINTIFFS'
 MOTION TO COMPEL PRODUCTION
 OF DOCUMENTS**

Date: February 26, 2013
 Time: 10:00 a.m.
 Courtroom: 5, 4th Floor
 Judge: Honorable Paul S. Grewal

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I, Lee H. Rubin, declare:

1. I am a member of the Bar of the State of California and a partner of the law firm of Mayer Brown LLP, attorneys for Defendant Google Inc. I submit this declaration in support of Google's Opposition to Compel Production of Documents. I make this declaration based on my own personal knowledge. If called to testify as a witness, I could and would do so competently.

2. On the morning of January 25, 2013, I placed a call to Dean Harvey at Lieff, Cabraser, Heimann and Bernstein, attorneys for Plaintiffs in this action. On the call, I offered to share with Plaintiffs' counsel the declaration that Google intended to file in support of Google's Opposition to Plaintiffs' Motion To Compel Production of Documents. I further proposed that the parties stipulate to a one-day extension of time for Google to file its opposition brief to allow time for Google to share the declaration and to have an opportunity to meet and confer in advance of Google's current filing deadline.

3. In the late afternoon of January 25, 2013, Dean Harvey notified my partner, Eric Evans, that Plaintiffs declined Google's proposal.

Executed on January 25, 2012, in Palo Alto, California.

By: /s/ Lee H. Rubin

Lee H. Rubin