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 10 Ltd., Fresh Break Ltd., and Specialized Collections
 Bureau, Inc.
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12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN JOSE DIVISION**

16 ADTRADER, INC.,
 17 Plaintiff,
 18 v.
 19 GOOGLE LLC.
 20 Defendant.

Case No. 5:17-CV-07082-BLF

~~PROPOSED~~ **ORDER GRANTING
 PLAINTIFF SPECIALIZED
 COLLECTIONS BUREAU'S UNOPPOSED
 MOTION FOR APPROVAL OF CLASS
 NOTICE PLAN FOR RULE 23(b)(3)
 ADWORDS ADVERTISER CLASS**

Judge: Hon. Beth L. Freeman
 Courtroom: 3

~~PROPOSED~~ ORDER

1
2 Having considered Plaintiff Specialized Collections Bureau, Inc.’s (“SCB”) Unopposed
3 Motion for Approval of Class Notice Plan for Rule 23(b)(3) Adwords Advertiser Class, the
4 supporting Declaration of Steven Weisbrot, and the proposed forms of class notice attached as
5 Exhibits B-D thereto, the Court hereby directs class counsel and Google to proceed with the plan
6 outlined therein.

7 Federal Rule of Civil Procedure 23(c)(2)(B) provides that “[f]or any class certified under
8 Rule 23(b)(3) . . . the court must direct to class members the best notice that is practicable under
9 the circumstances, including individual notice to all members who can be identified through
10 reasonable effort.” *Id.*; see also *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812 (1985).
11 Rule 23 further requires that members of certified classes be given the opportunity to “request
12 exclusion” from having their claims tried as part of the class proceeding, otherwise known as the
13 right to “opt out” of the case. Fed. R. Civ. Proc. 23(c)(2)(B)(v).

14 Notice of the pendency of a Rule 23(b)(3) class action is to be made by “United States
15 mail, electronic means, or other appropriate means.” Fed. R. Civ. Proc. 23(c)(2)(B). The Federal
16 Judicial Center has concluded that a notice plan that reaches at least 70% of the class is
17 reasonable. Federal Judicial Center, *Judges’ Class Action Notice and Claims Process Checklist*
18 *and Plain Language Guide* at 3 (2010). The class must be notified in a manner that “does not
19 systematically leave any group without notice.” *Officers for Justice v. Civil Serv. Comm’n*, 688
20 F.2d 615, 624 (9th Cir. 1982).

21 The Court finds that the proposed notice plan set forth in SCB’s unopposed motion and as
22 further described in the declaration of Steven Weisbrot, the President and Chief Innovation
23 Officer of the proposed class notice administrator Angeion Group, satisfies the foregoing
24 requirements and will provide reasonable notice and an opportunity for members of the AdWords
25 Advertiser Class¹ to exclude themselves from these class proceedings.

26 Specifically, the Court orders as follows:

27 _____
28 ¹ The AdWords Advertiser Class is defined in the Court’s March 13, 2020 Order Granting in Part
and Denying in Part Plaintiffs’ Motion for Class Certification. ECF No. 278.

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- The Court approves the form of the Email, Postcard, and Long-Form notices as attached as Exhibits B-D of the Weisbrot Declaration;
- The Court approves Angeion Group as the Administrator for purposes of sending the Notices, collecting opt outs, administering the case website, and tabulating the associated information for reporting to the Court through Class Counsel;
- Within 30 days of entry of this order, the Administrator shall send the Email Notice to the potential members of the class;²
- Any requests by potential members of the class to opt out of this adjudication must be postmarked by no later than 60 days after the date that the Administrator has send the Email Notice; and
- Within 10 days of the date by when any opt-out requests must be post-marked, Class Counsel shall submit to the Court the Administrator’s report of its execution of the notice plan and tabulation of opt outs.

IT IS SO ORDERED.

Dated: March 23, 2021


HON. BETH LABSON FREEMAN
United States District Judge

² The Court recognizes that Google is currently in the process of compiling contact information for potential members of the class. Mot. at 3 n.1. Should the dates set forth in this order present any timeliness conflict with respect to that effort, the parties shall meet and confer to resolve it.