

BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE: GROUPON MARKETING AND) MDL No. _____
SALES PRACTICES LITIGATION)
) CLASS ACTION

**DECLARATION OF RACHEL L. JENSEN IN SUPPORT OF THE MOTION OF
PLAINTIFFS ANTHONY FERREIRA AND SARAH GOSLING TO TRANSFER
ACTIONS TO THE NORTHERN DISTRICT OF CALIFORNIA PURSUANT TO
28 U.S.C §1407 FOR CONSOLIDATED PRETRIAL PROCEEDINGS**

I, RACHEL L. JENSEN, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California. I am a member of the law firm of Robbins Geller Rudman & Dowd LLP, one of the counsel of record for plaintiffs in *Ferreira v. Groupon, Inc.*, No. 11-CV-0132-DMS(POR), filed in the Southern District of California on January 21, 2011, and *Gosling v. Groupon, Inc.*, No. 11-cv-01038-CRB (N.D. Cal.), filed in the Northern District of California on March 4, 2011. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. *Ferreira v. Groupon, Inc.*, No. 11-CV-0132-DMS(POR) was the first-filed of the various federal actions against Groupon, Inc. (“Groupon”). *Ferreira* was filed in the Southern District of California on January 21, 2011.

3. Since the filing of the *Ferreira* action, at least eight other federal class actions have been filed against Groupon, including *Gosling v. Groupon, Inc.*, No. 11-cv-01038-CRB (N.D. Cal. filed Mar. 4, 2011). The other federal Groupon actions include: *Eidenmuller v. Groupon, Inc.*, No. 11-cv-00984-SBA (N.D. Cal. filed Mar. 2, 2011); *Vazquez v. Groupon, Inc.*, No. 11-cv-00495-EGS (D.D.C. filed Mar. 8, 2011); *Cohen v. Groupon, Inc.*, No. 11-cv-80149-KLR (S.D. Fla. filed Feb. 4, 2011); *Johnson v. Groupon, Inc.*, No. 11-cv-01426 (N.D. Ill. filed Mar. 1, 2011); *Christensen v. Groupon, Inc.*, No. 11-cv-00501-MJD-JSM (D. Minn. filed Feb. 28, 2011); *Zard v. Groupon, Inc.*, No. 11-cv-00605-PAM(FLN) (D. Minn. filed Mar. 8, 2011); and *Kimel v. Groupon, Inc.*, No. 11-cv-00488 (N.D. Ohio filed Mar. 9, 2011) (collectively, “Groupon Actions”).

4. The Honorable Charles R. Breyer (“Judge Breyer”) of the Northern District of California currently presides over the *Gosling* action.

5. The nine federal Groupon Actions all allege that Groupon marketed and sold gift certificates, known as “grouppons,” bearing expiration dates that are prohibited under both federal and

state laws. All of the nine actions involve overlapping nationwide classes comprised of hundreds of thousands, if not millions, of consumers who purchased “groupon” gift certificates with unlawful and deceptive expiration periods. All of the complaints allege violations of the federal Credit Card Accountability Responsibility and Disclosure Act (“CARD Act”) and the Electronic Funds Transfer Act (“EFTA”), 15 U.S.C. §1693 *et seq.*, as well as comparable state consumer protection laws.

6. Based on information and belief, including the review of various news articles and other media sources, Groupon has likely sold hundreds of thousands of “groupon” gift certificates to consumers in California, many of whom reside in the Northern District. Based on information and belief, Groupon has generated millions of dollars in revenues from the sale of gift certificates in the Northern District.

7. Based on information and belief, Groupon recently established its California headquarters in Palo Alto.

8. In the *Ferreira* action, Groupon has retained the law firm of DLA Piper, which has offices throughout California, including in the Northern District of California. My other understanding is that the lead counsel for Groupon is based in California.

9. Attorneys for plaintiffs in *Eidenmuller*, *Zard*, *Kimel*, *Johnson* and *Vazquez* are also located in California.

10. Attached hereto are true and correct copies of the following documents:

Exhibit 1: Complaint and docket sheet for *Eidenmuller v. Groupon, Inc.*, No. 11-cv-00984-SBA (N.D. Cal. filed Mar. 2, 2011);

Exhibit 2: Complaint and docket sheet for *Gosling v. Groupon, Inc.*, No. 3:11-cv-01038-CRB (N.D. Cal. filed Mar. 4, 2011);

Exhibit 3: Complaint and docket sheet for *Ferreira v. Groupon, Inc.*, No. 11-CV-0132-DMS(POR) (S.D. Cal. filed Jan. 21, 2011);

Exhibit 4: Complaint and docket sheet for *Vazquez v. Groupon, Inc.*, No. 11-cv-00495-EGS (D.D.C. filed Mar. 8, 2011);

- Exhibit 5: Complaint and docket sheet for *Cohen v. Groupon, Inc.*, No. 11-cv-80149-KLR (S.D. Fla. filed Feb. 4, 2011);
- Exhibit 6: Complaint and docket sheet for *Johnson v. Groupon, Inc.*, No. 11-cv-01426 (N.D. Ill. filed Mar. 1, 2011);
- Exhibit 7: Complaint and docket sheet for *Christensen v. Groupon, Inc.*, No. 11-cv-00501-MJD-JSM (D. Minn. filed Feb. 28, 2011);
- Exhibit 8: Complaint and docket sheet for *Zard v. Groupon, Inc.*, No. 11-cv-00605-PAM(FLN) (D. Minn. filed Mar. 8, 2011); and
- Exhibit 9: Complaint and docket sheet for *Kimel v. Groupon, Inc.*, No. 11-cv-00488 (N.D. Ohio filed Mar. 9, 2011).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 11th day of March, 2011, at San Diego, California.

s/ Rachel L. Jensen

RACHEL L. JENSEN