

**BEFORE THE
UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

IN RE: GOOGLE PRIVACY POLICY
LITIGATION

MDL Docket No. _____

**PLAINTIFF NICHOLAS ANDERSON'S MOTION FOR TRANSFER OF RELATED
ACTIONS TO THE NORTHERN DISTRICT OF CALIFORNIA FOR COORDINATED
OR CONSOLIDATED PRETRIAL PROCEEDINGS PURSUANT TO 28 U.S.C. § 1407**

Plaintiff Nicholas Anderson in *Anderson v. Google, Inc.*, 12-cv-01565 (N.D. Cal.) (filed March 29, 2012) respectfully moves the Judicial Panel on Multidistrict Litigation for transfer and coordination or consolidation of the actions listed on the Schedule of Actions, attached as Exhibit A to the accompanying Memorandum of Law in support of this Motion, to the Northern District of California pursuant to 28 U.S.C. §1407.

1. To date, there have been five class actions filed alleging that Google, Inc. (“Google”) violated its own privacy policies and made deceptive claims related to the consolidation and use of user data under its new Privacy Policy in violation of various statutory and common laws. In addition to Plaintiff’s actions, the following actions have been filed in several United States District Courts throughout the country: (1) *De Mars et al. v. Google, Inc.*, 12-cv-01382 (N.D. Cal.) (filed March 20, 2012); (2) *Nisenbaum et al. v. Google, Inc.*, 12-cv-02059 (S.D.N.Y.) (filed March 20, 2012); (3) *Villani et al. v. Google, Inc.*, 12-cv-01740 (D.N.J.) (filed March 20, 2012); and (4) *Hoey v. Google, Inc.*, 12-cv-01448 (E.D. Penn.) (filed March 22, 2012).

2. The five class actions filed (the “Related Actions”) involve one or more common questions of fact as required by 28 U.S.C. § 1407. Common questions of fact include:

a. Whether Google violated its previous privacy policy by merging data across products and services without consumers’ consent;

b. Whether Google deceptively claimed that it would seek the consent of consumers before using their personal information for a purpose other than that for which it was collected;

c. Whether Google misrepresented the ability of consumers to exercise control over their personal information;

d. Whether Google misrepresented the extent of its compliance with the U.S.-EU Safe Harbor Framework by claiming that the company complied with the framework while violating the principles of Notice and Choice;

e. Whether Google’s new privacy policy deceptively claims that it does not sell personal information to advertisers when advertisers can, and in fact do, purchase targeting from Google that uses the consumer’s personal information and Google profits as a result;

f. Whether Google’s new privacy policy allows Google to profit from the deceptive use of consumers’ personal information through acquisition of a large share of advertising revenue;

g. Whether Google’s opt-out practices for its new privacy policy are deceptive and misleading;

h. Whether consumers can effectively opt-out of Google’s new privacy policy;

i. Whether Google should, alternatively, provide an opt-in measure for its new privacy policy;

j. Whether Android users can effectively opt-out of Google’s new privacy policy;

k. Whether Android users are entitled to the cost of purchasing a new device or reimbursement for the purchase of their current Android device;

l. Whether Google concealed or failed to disclose material information concerning its advertising practices and future plans for revenue growth;

- m. Whether Plaintiffs are entitled to injunctive relief; and
- n. Whether Plaintiffs are entitled to damages and attorneys' fees.

3. As a consequence, transfer of the Related Actions for coordination or consolidation will prevent duplication of discovery, eliminate the possibility of conflicting pretrial rulings, and conserve judicial resources.

4. The United States District Court for the Northern District of California is the appropriate forum for coordination or consolidation of the Related Actions for the following reasons:

a. Google has its principal place of business in Mountain View, California, making it likely that evidence and witnesses relevant to the Related Actions will be located within that district;

b. Google's Terms of Service contain a choice of law clause that states, "All claims arising out of or relating to these terms or the Services will be litigated exclusively in the federal or state courts of Santa Clara County, California, USA, and you and Google consent to personal jurisdiction in those courts;"

c. The Northern District of California is home to a substantial portion of the U.S. technology industry;

d. The Court in the Northern District of California has the requisite experience and is well-equipped to preside over this multidistrict litigation, having recently handled two multidistrict cases against Google; and

e. Two of the five Related Actions were filed in the Northern District of California, and many plaintiffs and members of the purported class are from California.

Accordingly, Plaintiff respectfully requests that the Judicial Panel on Multidistrict Litigation issue an Order transferring the actions filed in the District of New Jersey, the Eastern District of Pennsylvania, the Southern District of New York, and all subsequently filed related actions, to the Northern District of California for coordinated or consolidated pretrial proceedings.

Dated: April 2, 2012

Respectfully submitted,

/s/ Sarah N. Westcot

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