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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 **IN RE GOOGLE PLAY DEVELOPER**
15 **ANTITRUST LITIGATION**

16 Case No. 3:20-cv-05792-JD

17 **DECLARATION OF RICHARD**
18 **CZESLAWSKI IN SUPPORT OF**
19 **DEVELOPER PLAINTIFFS' MOTION**
20 **FOR ATTORNEYS' FEES,**
21 **REIMBURSEMENT OF EXPENSES,**
22 **AND SERVICE AWARDS ON BEHALF**
23 **OF SPERLING & SLATER, LLC**

24 Date: May 18, 2023
25 Time: 10:00 a.m.
26 Judge: Hon. James Donato

27 I, Richard Czeslawski, declare as follows:

28 1. I am the Chief Operating Officer and President of Pure Sweat Basketball, Inc. ("Pure Sweat"), a class representative in the above-entitled action (the "Google Play Action").

2. I submit this affidavit on behalf of Pure Sweat Basketball, Inc. and the settlement class, in support of Developer Plaintiff's motion for attorneys' fees, expenses, and service awards and in support of final approval of the settlement with Google. This declaration is based on my personal, firsthand knowledge, and if called and sworn a witness, I could and would testify competently thereto.

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2 3. As a class representative for the settlement class of U.S. app developers that had up
3 to \$2 million in annual sales, I understand that it is my responsibility to be informed of the work
4 done by my attorneys on the case and make my own judgment about the fairness of any
5 settlements. I am required to consider the interests of all members of the Class, as well as my own.
6 I am free to exercise my independent judgment on all matters concerning this litigation.

7 4. Since before filing of the original Complaint in this Google Play Action in August
8 2020, I have diligently performed my duty to assist counsel in prosecuting this case, investing
9 significant time and effort to fulfill my role as a class representative.

10 5. I began working on the development of the case with counsel at Sperling & Slater
11 and Hagens Berman for more than a year before it was filed, and provided feedback and input
12 throughout and reviewing the Complaint before it was filed (Pure Sweat has also been a class
13 representative in the parallel matter *In re Apple iPhone Antitrust Litigation* since June 2019).

14 6. Throughout this litigation, I kept informed regarding the status of the litigation by
15 communicating with my attorneys, including reviewing and commenting on the original Complaint
16 before its filing and engaging in periodic case update conferences and correspondence with my
17 counsel on key case documents. Even before the commencement of this litigation, given the
18 anticipation that we would file a case, I diligently retained app development papers and electronic
19 information that could be relevant to the litigation and provided these to my attorneys.

20 7. Throughout the case I assisted in responding to discovery. This included reviewing
21 discovery requests from defendant, discussing them with my counsel, reviewing proposed
22 responses, making any corrections, and signing off on the responses. In total, I assisted counsel in
23 responding to a total of 31 interrogatories and 92 requests for production of documents. I was also
24 required to search for and produce detailed transactional data.

25 8. I also contributed to discovery by sitting for a Rule 30(b)(6) deposition. In total, my
26 deposition lasted 6 hours and 44 minutes of record time, where I was questioned by counsel in this
27 case. To ensure the accuracy of my transcript, I spent about 2 hours reviewing it for errors.

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2 9. In total, I estimate that I have spent more than 40 hours performing all the above-
3 described duties on behalf of the class over the past almost 2.5 years. My attorneys have not made
4 any promises regarding compensation for my service, and I willingly agreed to participate in this
5 case with no guarantee of personal benefit or benefit to Pure Sweat Basketball, Inc.

6 10. I agreed to step up as a class representative despite concerns that doing so could
7 result in retribution from Google (which thankfully did not occur). I believe that the time, effort,
8 and information I provided on behalf of Pure Sweat helped to make the settlement possible. I ask
9 that the Court approve Pure Sweat's service award in the amount of \$10,000.

10 11. I have previously submitted a Declaration in Support of Developer Plaintiffs' Motion
11 for Preliminary Settlement Approval (June 30, 2022, Dkt. No. 218-4) which I incorporate herein in
12 its entirety. I have reviewed the terms of the settlement with defendant Google, discussed those
13 terms with my attorneys, and I am aware of and approve all terms of the proposed settlements, as it
14 affects Pure Sweat and the members of the Class.

15 12. I believe that the proposed settlement achieves significant monetary and structural
16 relief for the Class and that this is an excellent result considering the risks associated with a
17 complex and costly trial. I recognize the uncertainty of success on any or all of the claims presented
18 in this litigation if this case were to go to trial. The proposed settlement also permits an immediate
19 recovery to class members without the risk, delay, and expense of trial.

20 13. I believe the settlement agreement between Google and Class Counsel was reached
21 at arms' length, and that the terms of the settlement reflect the independent evaluation of Google
22 and Class counsel of their respective best interests. Based upon my understanding of the class
23 claims asserted in this litigation, and my understanding of the terms of the settlement agreement, I
24 believe the proposed settlement is fair, adequate, and reasonable, and in the best interests of class
25 members, and should therefore be granted final approval.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 24th day of February, 2023.



Richard Czeslawski