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*Co-Lead Counsel for the Proposed Class in In re Google Play Developer Antitrust Litigation and Attorneys for Peekya App Services, Inc. and Scalisco LLC d/b/a Rescue Pets*

*Co-Lead Counsel for the Proposed Class in In re Google Play Developer Antitrust Litigation and Attorneys for Pure Sweat Basketball, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY DEVELOPER  
ANTITRUST LITIGATION**

Case No. 3:20-cv-05792-JD  
**DECLARATION OF DANIEL SCALISE  
IN SUPPORT OF DEVELOPER  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES,  
AND SERVICE AWARDS**

1 I, DANIEL SCALISE, declare as follows:

2 1. I am an individual over the age of 18 and I make this declaration based on personal,  
3 firsthand knowledge, and if called and sworn as a witness, I could and would testify competently  
4 thereto.

5 2. I am the owner of Scalisco LLC d/b/a Rescue Pets (“Rescue Pets”), a class  
6 representative in the above-captioned matter (the “Class Action”).

7 3. I submit this declaration in support of the Developer Class Plaintiffs’ motion for  
8 attorneys’ fees, reimbursement of expenses, and service awards and in support of final approval of  
9 the proposed Class Action Settlement with Google.

10 4. Over the past year and three months, I have diligently performed my duty to assist  
11 counsel in prosecuting this case, and I have actively participated in this case and devoted significant  
12 time and effort to this case.

13 5. Prior to joining this case as a class representative, I weighed concerns that Google  
14 would retaliate against Rescue Pets for being named as a class representative. Indeed,  
15 approximately 6 weeks after the filing of the Second Amended Consolidated Class Action  
16 Complaint, naming Rescue Pets as a class representative, the Rescue Pets app was removed from  
17 the Google Play Store without any advanced notice. Google identified a policy violation as the  
18 basis for removal, but that feature of the app build had been included in every prior version of the  
19 Rescue Pets app for approximately two years and approved by Google in multiple rounds of  
20 updates to the app. Through my own prompt action, I was able to resolve this issue by submitting  
21 an update to the app and providing requested information to Google, and the Rescue Pets app was  
22 restored to the Google Play Store approximately two days later. Although there is no indication  
23 that this was retaliation, this shows that Google has significant control over how Rescue Pets and  
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1 other apps are distributed and that Google's actions can have significant and immediate impacts  
2 on app developers.

3 6. Throughout this litigation, I have remained informed regarding the status of the  
4 litigation by communicating with my attorneys, including reviewing correspondence from my  
5 counsel and key case documents, including reviewing the draft Second Amended Consolidated  
6 Class Action Complaint and proposed settlement.

7 7. I have also diligently retained app papers or electronic information that could be  
8 relevant to the litigation and provided these to my attorneys.

9 8. Throughout the case, I have also assisted in responding to discovery, including  
10 reviewing discovery requests from defendants, discussing those requests with my counsel, assisting  
11 in drafting, reviewing, and correcting draft responses, and executing verified final responses. In  
12 total, I assisted in responding to 18 interrogatories and 71 requests for production of documents,  
13 many of which sought sensitive and detailed information about Rescue Pets' financial information  
14 and business strategy. Together with my attorneys, I searched for and produced more than 4,500  
15 documents to Google.

16 9. I have also contributed to the discovery process by sitting for a deposition where I was  
17 questioned by counsel in this case in my individual capacity and as the corporate representative of  
18 Rescue Pets. In total, my deposition lasted 8 hours and 45 minutes and I also devoted  
19 approximately 10 to 15 hours to prepare for the deposition, including reviewing ten detailed  
20 30(b)(6) topics included in the notice of depositions of Rescue Pets. To ensure the accuracy of the  
21 record, I spent approximately 2 hours reviewing my deposition transcript for errors.

22 10. In total, I estimate that I have spent about 40 hours performing all of the above-  
23 described duties on behalf of the class over the past year and three months.

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1           11. My attorneys have not made any promises regarding compensation for my service, and  
2 I willingly agreed to participate in this case with no guarantee of personal benefit or benefit to  
3 Rescue Pets. I believe that the time, effort, and information I have provided on behalf of Rescue  
4 Pets helped to make the settlement possible.

5           12. I have reviewed the terms of the settlement agreement between Google and the  
6 proposed Settlement Class (the “Agreement”), I have discussed those terms with my attorneys, and  
7 I am aware of and approve all terms of the Agreement, as it affects Rescue Pets and the members  
8 of the Class.

9           13. I understand that the Agreement includes monetary and non-monetary relief for the  
10 benefit of the Settlement Class. I understand that the monetary relief is provided through a  
11 \$90,000,000.00 cash Settlement Fund. And I understand that the non-monetary relief includes  
12 Google’s commitment to maintain a service fee rate of no greater than fifteen percent (15%) for  
13 the first \$1,000,000 in developer revenue each year through May 25, 2025, Google developing an  
14 “Indie Apps Corner” on the homepage of the Google Play Store, Google continuing to allow  
15 developers to use contact information obtained in-app (with user consent) to communicate with  
16 users out-of-app, including to promote alternatives to Google Play’s billing system, and Google  
17 publishing an annual transparency report, and that Google has acknowledged that this pending  
18 Class Action was a motivating factor in its March 16, 2021 announcement that it would reduce its  
19 service fee rate from 30% to 15% for the first \$1,000,000 in developer revenue.

20           14. The non-monetary relief is of significant value to Rescue Pets and I believe it is of  
21 significant value to the Settlement Class. Maintaining a reduced service fee of 15% on the first  
22 \$1,000,000 in developer revenue through May 25, 2025 allows companies like Rescue Pets that do  
23 not make over \$1,000,000 in developer revenue to reinvest in further product development if the  
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1 developer so chooses, such as improving existing apps or developing new apps, like the Rock  
2 Miner: Pro Stone Rock Mining app that Rescue Pets launched in 2022.

3 15. Additionally, allowing developers to use contact information obtained in-app (with user  
4 consent) to communicate with users out-of-app not only allows developers to promote alternative  
5 billing systems that users may prefer and that may have lower service fees but also allows  
6 developers to directly communicate with a developer's clients about the apps that they use, other  
7 apps they may be interested in, and the developers' businesses generally, such as Rescue Pets'  
8 online merchandise store or the animal rescue organizations to which Rescue Pets makes donations.

9 16. I believe that the proposed settlement achieves significant monetary and structural relief  
10 for the Settlement Class.

11 17. I declare under penalty of perjury under the laws of the United States of America that  
12 the foregoing is true and correct. Executed on this 27 day of February, 2023, at Montgomery, West  
13 Virginia.

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Daniel Scalise