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**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
PRELIMINARY SETTLEMENT
APPROVAL**

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

3 2. I submit this declaration in support of the Developer Class Plaintiffs’ Motion for
4 Preliminary Approval of the proposed Class Action Settlement with Google.

5 3. This declaration is based on my personal, firsthand knowledge, and if called and sworn
6 as a witness, I could and would testify competently thereto.

7 4. As a named class representative, I have actively participated in this case and devoted
8 significant time and effort to this case by reviewing the draft Second Amended Consolidated Class
9 Action Complaint, keeping apprised of the proceedings, preserving, collecting, and producing
10 documents, preparing to have my deposition taken and having my deposition taken, helping to
11 prepare the Responses and Objections to Defendants’ First Set of Requests for Production to App
12 Developer Class Plaintiffs, First Set of Interrogatories to Developer Class Plaintiffs, Second Set of
13 Interrogatories to Developer Class Plaintiffs, and Preservation Interrogatories to Developer Class
14 Plaintiffs, and reviewing and approving the terms of the proposed settlement.

15 5. The proposed settlement agreement between Google and the proposed Settlement Class
16 (the “Agreement”) includes monetary and non-monetary relief for the benefit of the Settlement
17 Class as more fully set forth in the Agreement.

18 6. Of the non-monetary relief in the Agreement, Rescue Pets believes that Google’s
19 commitment to maintain a service fee rate of no greater than fifteen percent (15%) for the first
20 \$1,000,000 in developer revenue each year through May 25, 2025 (“Reduced Commission”) is of
21 significant value to members of the Settlement Class.

22 7. Guaranteeing a Reduced Commission for the first \$1,000,000 in developer revenue
23 each year through May 25, 2025 ensures that members of the Settlement Class will continue to
24 receive the benefit of Google’s reduction in its service fee rate from 30% to 15% for members’
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1 sales of apps and in-app purchases for the first \$1,000,000 in annual sales revenue for
2 approximately three more years at minimum.

3 8. Because Rescue Pets has earned less than \$1,000,000 in developer revenue each year
4 since its creation, the effect of Google’s service fee rate change was that the service fees Rescue
5 Pets pays to Google were reduced by 50%.

6
7 9. The Agreement’s terms guaranteeing a continued 50% reduction of Google’s service
8 fee rates for the distribution of apps and in-app content reflect a significant reduction in the service
9 fee paid to Google by Rescue Pets and members of the Settlement Class.

10 10. Therefore, the Reduced Commission has a substantial impact that directly benefits
11 Rescue Pets and members of the Settlement Class.

12 11. Rescue Pets understands that Google has acknowledged that this pending Class Action
13 was a motivating factor in its March 16, 2021 announcement that it would reduce its service fee
14 rate from 30% to 15% for the first \$1,000,000 in developer revenue, and I am proud that we
15 achieved such an outstanding result through this litigation.

16
17 12. I further believe that this Class Action and the resulting proposed Agreement,
18 guaranteeing that all members of the Settlement Class will continue to benefit from this substantial
19 service fee reduction, is a substantial benefit to the Settlement Class, and I am proud to have helped
20 bring about this monumental result, as well as the additional structural reforms that Google has
21 committed to, including developing an “Indie Apps Corner” on the homepage of the Google Play
22 Store and publishing an annual transparency report.

23
24 13. Overall, the Agreement not only includes monetary recovery but also will provide
25 substantial benefits to Rescue Pets and members of the Settlement Class, in particular through
26 Google’s commitment to maintain the reduction in its service fee for approximately three more
27 years at minimum.

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14. Rescue Pets, therefore, enthusiastically supports the Settlement.

15. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 29 day of June, 2022, at Montgomery, West Virginia.



Daniel Scalise