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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 FRANÇOIS  
EINWAECHTER IN SUPPORT OF  
DEVELOPER PLAINTIFFS' MOTION  
FOR PRELIMINARY SETTLEMENT  
APPROVAL**

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1. I am the Director of Peekya App Services, Inc. (“Peekya”), a class representative in the above-captioned matter (the “Class Action”).

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

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

4. As a named class representative, I have actively participated in this case by reviewing the draft complaint and draft amended complaints, keeping apprised of the proceedings, preserving, collecting, and producing documents, preparing to have my deposition taken, helping to prepare the Responses and Objections to Defendants’ First Set of Requests for Production to App Developer Class Plaintiffs, First Set of Interrogatories to Developer Class Plaintiffs, Second Set of Interrogatories to Developer Class Plaintiffs, and Preservation Interrogatories to Developer Class Plaintiffs, and reviewing and approving the terms of the proposed settlement.

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

6. Peekya views Google’s commitment to maintain a service fee rate of no greater than fifteen percent (15%) for the first \$1,000,000 in developer revenue each year through May 25, 2025 (“Reduced Commission”) as particularly significant non-monetary relief.

7. In particular, the aspect of the Agreement securing a guaranteed Reduced Commission for the first \$1,000,000 in developer revenue each year through May 25, 2025 furthers the significant, direct, and impactful benefits of Google’s service fee rate reduction by ensuring that members of the Settlement Class will benefit from the continued reduction in Google’s service fee

1 rate from 30% to 15% for members' sales of apps and in-app purchases for the first \$1,000,000 in  
2 annual sales revenue for at least three more years.

3 8. In relation to Google's March 16, 2021 announcement that it would reduce its service  
4 fee rate from 30% to 15% for the first \$1,000,000 in developer revenue, I believe, and understand  
5 that Google has acknowledged, that this pending Class Action was a motivating factor in this  
6 significant reduction of Google's service fee rates, and I am proud to be serving as a class  
7 representative.  
8

9 9. The Agreement's terms guaranteeing a continued 50% reduction of Google's service  
10 fee rates for the distribution of apps and in-app content reflect a significant reduction in the service  
11 fee paid to Google by Peekya and members of the Settlement Class.

12 10. Now, through this Class Action, we are able to guarantee that all members of the  
13 Settlement Class will continue to benefit from this substantial reduction for at least three more  
14 years, and I am gratified that my service as a class representative has helped to achieve this  
15 significant result.  
16

17 11. Overall, the Agreement not only includes monetary recovery but also will provide  
18 substantial benefits to Peekya and members of the Settlement Class, and Google's commitment to  
19 maintain the reduction in its service fee for at least three more years is of particular significance to  
20 Peekya and members of the Settlement Class.  
21

22 12. Therefore, Peekya fully supports the Settlement.

23 13. I declare under penalty of perjury under the laws of the United States of America that  
24 the foregoing is true and correct. Executed on this 16 day of June, 2022, at Sarasota, Florida.

25   
26 \_\_\_\_\_  
27 François Einwaechter  
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