

## **Notice of Class Action Settlement**

You are not being sued. This notice affects your rights. Please read it carefully.

On June 10, 2020, the Honorable Edward J. Davila of the U.S. District Court for the Northern District of California, granted preliminary approval of this class action Settlement and directed the litigants to provide this notice about the Settlement. You have received this notice because Google's records indicate that you may be a Settlement Class Member, and you may be eligible to receive a payment from the Settlement. Please visit [www.GooglePlusDataLitigation.com](http://www.GooglePlusDataLitigation.com) for more information. The Final Approval Hearing on the adequacy, reasonableness, and fairness of the Settlement will be held at 9:00 am on November 19, 2020 in San Jose Courthouse, Courtroom 4, 5th Floor located at 280 South 1st Street, San Jose, CA 95113. You are not required to attend the Final Approval Hearing, but you are welcome to do so at your own expense.

### **Summary of Litigation**

Google operated the Google+ social media platform for consumers from June 2011 to April 2019. In 2018, Google announced that the Google+ platform had experienced software bugs between 2015 and 2018, which allowed app developers to access certain Google+ profile field information in an unintended manner. Plaintiffs Matthew Matic, Zak Harris, Charles Olson, and Eileen M. Pinkowski thereafter filed this lawsuit asserting various legal claims on behalf of a putative class of Google+ users who were allegedly harmed by the software bugs ("Class"). Google denies Plaintiffs' allegations, denies any wrongdoing and any liability whatsoever, and believes that no Class Members, including the Plaintiffs, have sustained any damages or injuries due to the software bugs.

### **Summary of Settlement Terms**

**Settlement Fund:** Under the Settlement, Google will pay \$7.5 million which will be used to fund: (1) Class Member Settlement payments; (2) attorneys' fees not to exceed 25% of the Settlement Fund and costs and expenses not to exceed \$200,000.00; (3) four service awards to the Class Representatives in an amount not to exceed \$1,500 each for their services on behalf of the Settlement Class and for a general release of all claims they may have against Google; (4) administration fees and costs; and, if necessary, (5) cy pres distribution of any residual funds. No portion of the Settlement Fund can be returned to Google.

**Amount of Payments:** Class Members who submit a Valid Claim may receive a pro rata share of the Net Settlement Fund up to a cash payment of \$12.00 depending on the number of claimants. Each Class Member can submit only one claim. Any funds remaining in the Net Settlement Fund after distribution(s) to Class Members will be distributed to Cy Pres Recipients that have been selected by a neutral third party and approved by the Court.

**Method of Payment:** The payments above for Class Members who submit a Valid Claim will be made by Electronic Payment (Paypal or Digital Check).

## **Your Options Under the Settlement**

### **Option 1 - Submit a Claim Form to Be Eligible for a Cash Payment**

If you submit a Valid Claim by October 8, 2020, you may receive a payment. You will also give up your rights to sue Google and/or any other released entities regarding the legal claims in this case.

### **Option 2 - Opt Out of the Settlement**

This is the only option that allows you to sue Google and/or other released parties on your own regarding the legal claims in this case. You will not receive a payment from the Settlement. The deadline for excluding yourself is October 8, 2020.

### **Option 3 - File an Objection with the Court**

Write to the Settlement Administrator about why you do not like the Settlement. The deadline for objecting is October 8, 2020. These Objections will be shared with the Court. If you object to the Settlement, you will be bound by the Settlement's terms and will not be allowed to exclude yourself from the Settlement; you will lose the right to sue Google and/or any other released entities regarding the legal claims in this case.

### **Option 4 - Do Nothing**

If you do nothing, you will not receive any payment. You will be bound by the Settlement's terms and will lose the right to sue Google and/or any other released entities regarding the legal claims in this case.

## **Additional Information**

### **How do I know if I am part of the Settlement Class?**

The Settlement Class is defined as: "all persons within the United States who (a) had a consumer Google+ account for any period of time between January 1, 2015 and April 2, 2019, and (2) had their non-public Profile Information exposed as a result of the software bugs Google announced on October 8, 2018 and December 10, 2018. Excluded from the Settlement Class are (a) Google and its officers, directors, employees, subsidiaries, and Google Affiliates; (b) all judges and their staffs assigned to this case and any members of their immediate families; (c) the Parties' counsel in this litigation; and (d) any Excluded Class Member."

### **What are the terms of the Settlement?**

Under the Settlement, Google has agreed to create a Settlement Fund of \$7,500,000. This Settlement Fund will provide compensation to Settlement Class Members, pay for notice and administration costs, provide for any approved Service Awards to the Class Representatives who filed the case, and compensate the attorneys for any approved fee, cost, and expense awards. If the Settlement is finally approved, Settlement Class Members will be prevented from bringing any further claims against Google for any conduct relating to the software bugs affecting Google+ profile fields.

### **How will the Settlement Fund be distributed?**

The lawyers for the Settlement Class (“Class Counsel”) will ask the Court to approve the following payments from the Settlement Fund:

- The costs of providing notice and administration of the Settlement;
- Service Awards to each of the Class Representatives, not to exceed \$1,500 each, as compensation for their active participation in the case on behalf of the Settlement Class;
- Class Counsel’s compensation for the time and effort incurred litigating the case, which will not exceed 25% of the Settlement Fund, and costs and expenses they incurred not to exceed \$200,000.00;
- Payments to Settlement Class Members who file timely and Valid Claim Forms according to the Plan of Allocation outlined below; and
- Any residual funds remaining after payments to Settlement Class Members will be distributed to Approved Cy Pres Recipients as approved and directed by the Court.

More information regarding the Settlement, including the Settlement Agreement, can be found at the Settlement Website, [www.GooglePlusDataLitigation.com](http://www.GooglePlusDataLitigation.com).

### **How can I get a Settlement Payment?**

If you are a Settlement Class Member and would like to receive a Settlement Payment, you must submit a Claim Form no later than October 8, 2020.

You may complete the Claim Form online at [www.GooglePlusDataLitigation.com](http://www.GooglePlusDataLitigation.com), or you may mail your Claim Form to the following address:

**Google Plus Data Litigation, 1650 Arch Street, Suite 2210, Philadelphia, PA, 19103**

If you do not file a Claim Form, you will not receive a payment. Note that for each Valid Claim, the payment method will be the Electronic Payment method specified on the Claimant’s Claim Form.

### **How much will I receive from the Settlement?**

The Plan of Allocation provides for Settlement Payments to Claimants as follows: The Net Settlement Fund shall be allocated to Claimants on a pro rata basis up to an initial maximum distribution of US\$5.00 per Claimant. If there are insufficient funds to pay claimants \$5.00 based on the number of claimants, the payment to each claimant will be reduced pro ratably. If sufficient funds remain after calculation of the aggregate initial maximum distribution of US\$5.00 per Claimant, the allocation shall be recalculated on a pro rata basis up to a maximum distribution of up to US\$12.00 per Claimant. For clarity, the maximum Settlement Payment to be made to any single Claimant shall not exceed US\$12.00.

### **How do I get out of the Settlement?**

If you do not want to be part of the Settlement, you must submit an Opt-Out Form no later than October 8, 2020. You may obtain the Opt-Out Form at [www.GooglePlusDataLitigation.com](http://www.GooglePlusDataLitigation.com). Your completed Opt-Out Form may be submitted via e-mail to [Info@GooglePlusDataLitigation.com](mailto:Info@GooglePlusDataLitigation.com), or via postal mail to the following address: Google Plus Data Litigation, Attn: Opt-Out Requests, P.O.

Box 58220, Philadelphia, PA, 19102. If you opt-out of the Settlement, you will not be bound by the Settlement Agreement, you will not receive a Settlement Payment, and you will not be allowed to object to the Settlement.

### **Do I have a lawyer in this case?**

Yes. The Court has appointed Class Counsel to represent you and other Settlement Class Members. In this case, Class Counsel are John A. Yanchunis, Ryan J. McGee, and Jonathan B. Cohen of the law firm Morgan & Morgan Complex Litigation Group; Clayeo C. Arnold and Joshua H. Watson of the law firm Clayeo C. Arnold Professional Law Corporation; and Ivy T. Ngo of the law firm Franklin D. Azar & Associates, P.C. You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one at your own expense.

### **How will the lawyers be paid?**

The attorneys representing the Settlement Class have not yet received any payment for their legal services or any reimbursement of the costs or out-of-pocket expenses they have incurred. Class Counsel plans to ask the Court to award attorneys' fees from the Settlement Fund not to exceed \$1,875,000 which is 25% of the Settlement Fund, and reimbursement of costs and expenses in the approximate amount of \$200,000.

### **How do I object to the Settlement?**

If you are a Settlement Class Member and do not opt out of the Settlement Class, you may object to any aspect of the Settlement. This includes commenting on the applications for Class Representative Service Awards or the award of attorneys' fees, costs, and expenses.

Your completed Objection must be submitted no later than October 8, 2020 online at [www.GooglePlusDataLitigation.com](http://www.GooglePlusDataLitigation.com), or via postal mail to the following address:

**Google Plus Data Litigation, Attn: Settlement Objections, P.O. Box 58220, Philadelphia, PA, 19102.**

Any Objection must be in writing and must:

- (a) Clearly identify the case name and number, *In re Google Plus Profile Litigation*, Case No. 5:18-cv-06164-EJD;
- (b) Include the full name, address, telephone number, and email address of the person objecting;
- (c) Include the full name, address, telephone number, and email address of the Objector's counsel (if the Objector is represented by counsel);
- (d) State whether the objection applies only to the objector, to a specific subset of the Class, or to the entire Class, and also state with specificity the grounds for the Objection; and
- (e) Be verified by an accompanying declaration submitted under penalty of perjury or a sworn affidavit.

Settlement Class Members who fail to submit timely written Objections in the manner specified above will waive their right to object to any aspect of the Settlement.

### **Do I need to attend the Final Fairness Hearing?**

No. Class Counsel will answer any questions the Court may have. However, any Settlement Class Member who timely submits an Objection has the option to appear and request to be heard at the Final Fairness Hearing, either in person or through their counsel. If you choose to

make an Objection through an attorney or have an attorney appear at the Final Fairness Hearing on your behalf, you will be solely responsible for paying that attorney's fees.

### **How can I get more information?**

This Notice summarizes the Settlement. It does not describe all of its details. For the precise terms and conditions of the Settlement, please see the Settlement Agreement and related

documents. Additional information about the Settlement, including a copy of the Settlement Agreement, may be obtained by:

- Visiting the Settlement Website at [www.GooglePlusDataLitigation.com](http://www.GooglePlusDataLitigation.com);
- Contacting the Settlement Administrator toll-free by phone at 1-833-509-1101 or by email at [Info@GooglePlusDataLitigation.com](mailto:Info@GooglePlusDataLitigation.com);
- Accessing the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at [ecf.cand.uscourts.gov](http://ecf.cand.uscourts.gov); or
- Visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 280 South 1st Street, 2nd Floor, San Jose, CA 95113, between 9:00 am and 4:00 pm, Monday through Friday, excluding Court holidays.

**Please do not telephone the Court or the Court Clerk's Office to inquire about the Settlement.**