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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 FREE RANGE CONTENT, INC., a California
corporation, COCONUT ISLAND
SOFTWARE, INC., a Hawaii corporation,
12 TAYLOR CHOSE, a Minnesota resident, and
MATTHEW SIMPSON, a British Columbia,
13 Canada resident, on behalf of themselves and all
others similarly situated,

14 Plaintiffs,

15 v.

16 GOOGLE INC, a Delaware corporation,

17 Defendant.
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No. 5:14-cv-02329-BLF

DECLARATION OF MICHAELA "MIKKI"
BARRY

1 I, Michaela Barry (also known as Mikki Barry), hereby declare as follows:

2 1. I am an attorney at law licensed to practice in the District of Columbia and
3 Virginia. I am a member of the bar of the Supreme Court and during the time in which I worked
4 on this matter, I was of counsel to Levetown & Jenkins, LLP, a California law firm. The
5 following is based on my personal knowledge, and if called upon to testify in this matter, I could
6 and would testify competently thereto.

7 2. I am one of the attorneys who worked on this matter on behalf of Levetown &
8 Jenkins, LLP. I have personal knowledge of the matters set forth below and if called as a witness
9 I could and would testify to the following:

10 **A. My Background & Experience**

11 3. Attached hereto as Exhibit "A" is a true and correct copy of my resume.

12 **B. My Involvement in this Matter**

13 4. In April 2014, I began working with Andrew Levetown of Levetown & Jenkins,
14 LLP, investigating the facts of which we ultimately apprised Hagens Berman. Urminder Aulakh
15 (another lawyer of counsel to Levetown & Jenkins) and I originally received a complaint from an
16 AdSense partner, who had been terminated in 2012. At Mr. Levetown's direction, I contacted
17 this entity and its principal in April 2014 to obtain the facts about this termination. I interviewed
18 him and reviewed documentation. I also worked with Urminder Aulakh and Mr. Levetown to
19 obtain corporate information about this prospective plaintiff and ownership information about
20 the entity involved. In addition to performing this work, I also did legal research, and factual
21 research regarding the termination to determine whether our original complainant's facts were
22 common and typical of others and to determine whether others were similarly situated. I also
23 interviewed witnesses and other publishers regarding their terminations and the reasons given by
24 Google. Finally, I worked with Urminder Aulakh and Mr. Levetown to obtain and review current
25 and prior AdSense publisher contracts, and I worked with Mr. Levetown to provide factual
26 predicate we later to transmitted to Hagens Berman for use in drafting the Complaint in this
27 matter.

Exhibit A

Michaela M. Barry
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Skills Summary:

Technology attorney providing guidance to business to establish and maintain compliance with international and domestic privacy frameworks. SME on data security matters with a strong information technology background including CISSP, CIPP/US, CIPT and FIP certifications. Excellent communicator and business advisor, maintaining trusted working relationships with executives, peers, and subordinates. Demonstrates superior worth ethic and ability to work independently or as part of a team. Advises on a range of issues including regulatory matters, company policies, products and services, internal and external investigations, and compliance. Understands revenue recognition and appropriately balances revenue generation with company specific risk profiles.

Employment History:

2018-Present: Workday, McLean, VA

- Senior Corporate Counsel – Education and Government.
- Negotiates, drafts, and reviews complex transactions including data security and privacy aspects for SaaS company.
- Manages legal business matters pertaining to the organization as an advisor on issues including government and regulatory compliance, data privacy and risk mitigation, and intellectual property. Prepares documents to support same.
- Reviews legal data and advises organization on appropriate legal action to be taken.
- Directs internal and external counsel performing litigation on the company's behalf.

2015 –2018: Verizon/IBM, Ashburn, VA

- Supported sales function, providing cybersecurity privacy analysis to facilitate revenue generation through RFP awards, and task orders linked to various contracting vehicles including Networx, WITS, and GSA Schedule 70.
- Compiled, analyzed, and advised on cybersecurity risks for 50 billion dollar Federal RFP won by Verizon.
- Created materials, presented and trained employees in compliance matters and other data security and privacy matters related to cloud computing.
- Negotiated Service Level Agreements with Prime contractors and various agency customers.
- Supported incident response processes and teams. Drafted and presented internal and external communications.
- Participated in due diligence production and analysis for sale of cloud and hosting division to IBM. Transitioned after completion of Verizon's sale of cloud and hosting assets to IBM
- Negotiated, drafted, and reviewed data security and privacy aspects for complex transactions of all types, including IaaS and PaaS agreements.
- Provided advice and training on general privacy and security frameworks, including the GDPR
- Supported audit function, assisting technical compliance personnel in maintaining Authority to Operate for FedRAMP environments.
- Coordinated with technology, compliance, risk management, and legal colleagues regarding data security and regulatory guidance.
- Counseled technical and legal teams regarding breach reporting obligations.
- Analyzed compliance with HIPAA Business Associate Agreements, PCI Payments, NIST Guidelines, OMB and other security frameworks.

2014 - 2016: Axiom Global, Washington, DC

- Provided expert commercial and government contracting, cybersecurity and privacy legal services to large and small companies such as Verizon, SGI International, SAIC, Computer Associates, and others.
- Performed significant legal research, and coordinated with outside counsel regarding litigation and pre-litigation strategies.
- Supported international projects, including analysis of international data privacy compliance regimes.

- Evaluated supply chain for compliance with federal mandates for foreign parts, firmware of foreign origin, and possible open source vulnerabilities.
- Reviewed and negotiated international contracts with subsidiaries of foreign governments and commercial entities.
- Wrote data privacy and security procedures for companies of all sizes.
- Wrote public sector compliance manual for a worldwide multi billion dollar corporation.
- Provided advice regarding technical and regulatory aspects of agreements, including data rights, FCPA, e-commerce, data privacy, intellectual property protection, GSA, 508 Compliance, cybersecurity, executive compensation, government revolving door restrictions, sovereign immunity, indirect and partner transactions, state and federal gift regulations, DoD Mentor-Protégé applications and requirements.

2012 – 2017: Potomac Law Group, Washington, DC (Of Counsel)

- Interpreted cybersecurity and privacy statutes and regulations, ecommerce, FAR, DFARS, and Agency Supplements in highly demanding, fast paced environments.
- Advised business regarding FOCl compliance, cost accounting standards (CAS) compliance, and DCAA audits.
- Created curriculum and training opportunities for government contracts requirements and continued compliance.
- Assisted with audit support, litigation, FOIA requests, disputes and investigations
- Provided expert, IT-centric advice regarding regulatory compliance and complex transactions, audit preparation and response, mergers and acquisitions, and management of outside counsel.
- Drafted, analyzed, redlined, and negotiated complex government and commercial contracts and licenses including traditional licenses, SaaS and other cloud services.

Education	Certifications
Georgetown University Law Center – JD Editor in Chief – Journal of Law and Technology Graduated on Dean’s List Boston University – BS Broadcast Journalism Concentration – Computer Science Concentration – Experimental Social Psychology Graduated on Dean’s List Cybersecurity Graduate Certificate – University of Maryland	Virginia State Bar District of Columbia Bar Supreme Court Bar CISSP Certified Federal Contract Manager – NCMA Fellow of Information Privacy, Certified Information Privacy Technologist, CIPP/US – International Association of Privacy Professionals