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6 *Attorneys for Plaintiffs, the Certified Class,*
7 *and the Proposed Settlement Class*

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

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

15 Plaintiffs,

16 v.

17 GOOGLE INC, a Delaware corporation,

18 Defendant.

No. 5:14-cv-02329-BLF

DECLARATION OF TAYLOR CHOSE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SERVICE AWARDS, ATTORNEYS'
FEES, AND COSTS AND EXPENSES

DATE: October 17, 2018
TIME: 9:00 a.m.
DEPT: Courtroom 4, 5th Floor
JUDGE: Hon. Beth Labson Freeman

1 I, TAYLOR CHOSE, hereby declare as follows:

2 1. I am one of the four named plaintiffs in this case. I make this declaration based
3 upon personal knowledge, and I am otherwise competent to be a witness in this matter.

4 2. I am a former AdSense publisher. Google disabled my account and withheld
5 funds from me in or about November 2013. Because I did not think it was right that Google
6 withheld all unpaid program funds from me when it terminated my account, I joined with the
7 other three named plaintiffs in this matter as we filed the First Amended Complaint in September
8 2014.

9 3. Since I first contacted my attorneys at Hagens Berman in connection with this
10 matter, I have remained actively involved. I wanted to pursue this matter both on my own behalf
11 and that of other publishers who had faced the same situation. While AdSense accounts were
12 being terminated seemingly left and right, many publishers that I spoke with felt defeated—that
13 trying to recoup any of their losses seemed impossible being that Google is such a large company
14 with no direct access for the average publisher. The feeling of defeat was motivating and I
15 wanted to be part of something bigger than myself, something that gave us a voice and
16 something to try to create positive change for all current and future publishers. This case was
17 something I was deeply invested in, and it felt right to be involved.

18 4. All told, I have spent approximately 69 hours working with my counsel on this
19 matter. These is actually probably a conservative estimate.

20 5. More specifically, I have:

21 Worked with counsel in the investigation of my claims and plaintiffs' claims
22 generally (approximately 5 hours);

23 Conferred with our counsel many times regarding factual issues, including with
24 respect to our three amended complaints (approximately 4 hours);

25 Worked with our counsel to prepare plaintiffs' initial disclosures to Google
(approximately 4 hours);

26 Worked with our counsel on matters related to potential evidence in this case,
27 including preservation issues (approximately 2 hours);

1 Consulted with our lawyers regarding discovery, both to Google, and that Google
2 sent to me—this included responding to Google’s interrogatories and requests for
production to me (approximately 7 hours);

3 Prepared and sat for Google’s deposition of me, including travel from Las Vegas
4 to the deposition in San Francisco; reviewed my deposition transcript for errors
(approximately 29 hours);

5 Reviewed Google’s motions to dismiss our first and third amended complaints,
6 with a special emphasis on factual and legal issues relating to me specifically that
7 Google raised in its motions and supporting papers (approximately 2 hours);

8 Consulted with our counsel regarding our oppositions to Google’s motions to
dismiss (approximately 1 hour);

9 Consulted with our counsel regarding, and worked with our counsel to prepare
10 declarations in support of, class certification (approximately 1 hour);

11 Followed the course of Google’s motions to dismiss, including receiving updates
12 from counsel regarding the Court’s decisions on these motions (approximately 1
hour);

13 Consulted with counsel regarding our motion for reconsideration regarding our
14 liquidated damages-based claim (approximately 1 hour);

15 Consulted with our lawyers regarding settlement possibilities and potential terms
(approximately 2 hours);

16 Consulted with our counsel regarding mediation efforts (approximately 3 hours);

17 Reviewed, consulted with counsel concerning, and approved the terms of
18 settlement with Google (approximately 2 hours);

19 Reviewed and approved the settlement agreement and changes to it
20 (approximately 1 hour);

21 Conferred with our counsel regarding the procedures surrounding approval of a
22 class action settlement, notice, and plaintiffs’ moving papers and related events
(approximately 1 hour);

23 Conferred with our lawyers re: the preliminary approval hearing (approximately 1
24 hour);

25 Conferred with counsel regarding plaintiffs’ requests for attorneys’ fees, costs,
26 expenses, and service awards (approximately 1 hour);

27 Answered additional questions or took action as needed throughout the course of
28 this case (approximately 1 hour).

6. The many hours I spent on the case were in lieu of time spent with family and


1 friends. Throughout the majority of the case I was living and working in Las Vegas and would
2 travel home to Minnesota frequently or friends and family would come out to visit. At times
3 during those visits, I would take time to work on the case to meet deadlines on time. The hours I
4 spent on this case also took away time from my regular employment. I am self-employed but do
5 not have set hours as I work all throughout the day. I work from 8:00am until around 11:00pm;
6 the hours I spent working on this case occurred during my work hours.

7 7. I understand that per the settlement agreement, we as plaintiffs are asking the
8 Court to award attorneys' fees in the amount of \$2.75 million, which is 25% of the \$11 million
9 gross settlement fund. I understand that this percentage was negotiated with Google following
10 agreement to terms on class benefits and that plaintiffs' class counsel firm, Hagens Berman
11 Sobol Shapiro LLP, has accrued more than \$2.3 million in attorney time in this matter. I have
12 been advised and understand that two other firms also worked on this matter, and that we are
13 submitting declarations from them regarding their time accrued, which is much smaller in scope.
14 I support the attorneys' fee request in this matter and believe that our lawyers have worked hard
15 and effectively on this case for my benefit and the benefit of the class. I also support plaintiffs'
16 request for the reasonable costs and expenses incurred by our class counsel firm, Hagens
17 Berman. I understand that the total of costs and expenses requested is slightly over \$116,000. I
18 understand that this sum, too, will be paid from the \$11 million gross settlement fund if approved
19 by the Court.

20 8. I also am asking respectfully that the Court approve me a service award in the
21 amount of \$5,000, as contemplated by the settlement agreement. This would be in recognition of
22 the service I rendered to my fellow settlement class members throughout this case, as discussed
23 above. As my lawyers have advised, this sum was negotiated with Google following negotiation
24 of class benefits. I submit the information in this declaration in support of my request.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 3rd day of August, 2018, at Wells, Minnesota.

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6 TAYLOR CHOSE

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