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6 *Attorneys for Plaintiffs, the Certified Class,*
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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 MICHAEL CLARK
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, MICHAEL CLARK, hereby declare as follows:

2 1. I am the president of Coconut Island Software, Inc. (CIS), one of the named
3 plaintiffs in this matter. I make this declaration based on personal knowledge, and I am
4 otherwise competent to testify.

5 2. CIS is a former AdSense publisher. Google disabled CIS's account and withheld
6 funds from CIS in or about November 2012. Prior to this, CIS had been an AdSense publisher
7 since 2005. Following termination and the appeal that Google denied, I read accounts of other
8 AdSense publishers that had experienced these same actions. Because I did not think it was right
9 that Google withheld all unpaid program funds from CIS when it terminated CIS's account, I
10 contacted Hagens Berman. CIS became a named plaintiff in the first amended complaint filed in
11 this matter in September 2014 and remained a named plaintiff in second and third amended
12 complaints that we later filed.

13 3. Since I first contacted my attorneys at Hagens Berman in connection with this
14 matter, I have remained actively involved. I wanted to pursue this matter both on CIS's behalf
15 and that of other publishers who had faced the same situation.

16 4. All told, I have spent approximately 180 hours over 4 years' time working with
17 CIS's counsel on this matter.

18 5. More specifically, in these proceedings, I have:

19 Worked with counsel in the investigation of CIS's claims and plaintiffs' claims
20 generally (approximately 20 hours);

21 Conferred with our counsel many times regarding factual issues, including with
22 respect to CIS's initial and the three amended complaints, in which CIS was
23 joined by three other plaintiffs (approximately 30 hours) including hundreds of
24 emails and dozens of documents, phone calls, phone messages and return calls;

25 Worked with our counsel to prepare plaintiffs' initial disclosures to Google
26 (approximately 16 hours);

27 Worked with our counsel on matters related to potential evidence in this case,
28 including preservation issues (approximately 20 hours);

29 Consulted with our lawyers regarding discovery, both to Google, and that Google
30 sent to CIS—this included responding to Google's interrogatories and requests for
31 production to CIS (approximately 20 hours);

1 Prepared and sat for Google's deposition of CIS as CIS's designee—I traveled in
2 March 2017 from Morro Bay, California, to this deposition in San Francisco
(approximately 12 hours);

3 Reviewed Google's motions to dismiss our first and third amended complaints,
4 with a special emphasis on factual and legal issues relating to CIS specifically that
5 Google raised in its motions and supporting papers (approximately 8 hours);

6 Consulted with our counsel regarding our oppositions to Google's motions to
7 dismiss (approximately 4 hours);

8 Consulted with our counsel regarding, and worked with our counsel to prepare
9 declarations in support of, class certification (approximately 4 hours);

10 Followed the course of Google's motions to dismiss, including receiving updates
11 from counsel regarding the Court's decisions on these motions (approximately 4
12 hours);

13 Consulted with counsel regarding our motion for reconsideration regarding our
14 liquidated damages-based claim (approximately 4 hours);

15 Consulted with our lawyers regarding settlement possibilities and potential terms
16 (approximately 4 hours);

17 Consulted with our counsel regarding mediation efforts (approximately 4 hours);

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

20 Reviewed and approved the settlement agreement and changes to it
21 (approximately 2 hours);

22 Conferred with our counsel regarding the procedures surrounding approval of a
23 class action settlement, notice, and plaintiffs' moving papers and related events
(approximately 2 hours);

24 Conferred with our lawyers re: the preliminary approval hearing (approximately 2
25 hours);

26 Conferred with counsel regarding plaintiffs' requests for attorneys' fees, costs,
27 expenses, and service awards (approximately 6 hours);

28 Answered additional questions or took action as needed throughout the course of
this case (approximately 10 hours).

6. I struggled long and hard to understand legal terminology and process, to provide
honest answers, and to dig up documents from years past. The case was on my mind constantly,
I woke up in the night many times thinking about it. I read and re-read and reviewed documents

1 over and over again. The many hours I spent on the case were in lieu of time spent with family.
2 The hours I spent on this case also took away time from my regular employment. In addition to
3 my technology and development business, I also help my wife manage two businesses, a fitness
4 business and a cleaning service. The cleaning service currently serves about 200 locations per
5 month and requires constant attention. The added stress from the continuing time demands from
6 the lawsuit interfered with my work and caused unknown losses due to neglecting this business.
7 That, and this case generally, caused stress in my marriage, but I was committed to going
8 forward with what I'd undertaken.

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

23 I declare under penalty of perjury under the laws of the State of California and the United
24 States that the foregoing is true and correct.

25 Executed this 3rd day of August, 2018, at Morro Bay, California.

26
27 

28 MICHAEL CLARK