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6 *Class Counsel*

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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  
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 ANDREW S.  
LEVETOWN

1 I, Andrew S. Levetown, hereby declare as follows:

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

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

10 **A. My Background & Experience**

11 3. I have been practicing law since 1988. I started my career at Reed Smith Shaw &  
12 McClay, and I worked as an Assistant United States Attorney at the United States Attorney's  
13 Office for the District of Columbia. I have served as in-house counsel for various investigative  
14 consulting firms, and I have led hundreds of corporate investigations throughout my career.  
15 Attached hereto as Exhibit "A" is a true and correct copy of my resume.

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

17 4. In April 2014, I began working with attorneys Urminder Aulakh and Mikki Barry,  
18 who were Of Counsel at Levetown & Jenkins, investigating facts regarding AdSense publisher  
19 terminations and withholdings. I directed the investigation for Levetown & Jenkins and  
20 conducted factual and legal research. I identified, met with, and/or interviewed AdSense  
21 publishers whose businesses had been terminated by Google. I reviewed their correspondence  
22 with Google and their account histories. I worked with Mikki Barry and Urminder Aulakh to  
23 determine whether a specific plaintiff had standing to represent a class of AdSense partners. I  
24 interviewed people and reviewed various corporate and transactional records, and, along with my  
25 colleagues, I performed complementary legal and factual research regarding Google AdSense  
26 terminations to determine whether our original complainant's facts were common and typical of  
27 others and to determine whether others were similarly situated. I interviewed witnesses and other  
28 publishers regarding their terminations. I worked with Mikki Barry and Urminder Aulakh to

1 obtain and review current and prior AdSense publisher's contracts and account histories, and I  
2 worked with attorneys Barry and Aulakh to distill and summarize their facts. I worked with  
3 counsel at Hagens Berman regarding various aspects of preparing this prospective and then  
4 active legal matter, including discussing legal theories and the factual predicate underlying the  
5 complaint. Finally, I reviewed drafts of the complaint in this matter, and I circulated these drafts  
6 for comments from attorneys Barry and Aulakh and from one of the representative plaintiffs in  
7 this case. I discussed these comments with counsel for Hagens Berman.

8 5. I have conveyed to Hagens Berman true and correct time entries for hours that I  
9 billed on this case, together with my hourly rate at the time that I did this work. The report  
10 indicates that I billed sixty-two (62) hours at a rate of \$450.00, which is the rate that I  
11 customarily billed other clients as Of counsel to Hagens Berman at the time. All of the time that  
12 I billed to this matter involved investigating facts and the law as set forth above, and I conveyed  
13 the results to Hagens Berman for use as it saw fit in the drafting of the Complaint in this matter.

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

16 Executed on August 3, 2018 in McLean, Virginia.

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Andrew S. Levetown



# **Exhibit A**

**Andrew S. Levetown** | 1439 Woodhurst Blvd. McLean, VA 22102 | 703-618-2264

## **Overview**

Experienced attorney, former federal prosecutor and senior executive with management, investigative, compliance, litigation, and trial experience.

## **Summary of Expertise**

### **Litigation and Trial Work**

First chair in approximately eighty trials in local and federal courts; wrote briefs and argued appeals before D.C. Circuit and D.C. Court of Appeals. Member of litigation teams in trade secret and restrictive covenant, employment, toxic tort, FCA, class actions, patent infringement, securities fraud and antitrust cases.

### **Investigations and Corporate Compliance**

Managed and led external and internal corporate investigations involving corporate matters such as ADM price fixing, Enron, WorldCom, Madoff and Adelphia; Led fraud and financial investigations involving FCPA, AML, and thefts of or infringement of IP, including trade secrets, gray market goods, TM's and patents.

## **Work History**

- **2016-Present:**

Since 2016, I have divided my time between the two entities below.

### **Iron Rock Law, LLP**

Federal court litigation in Washington DC; investigating facts, write pleadings, briefs and motions in support of federal court commercial, employment, and trade secret related litigations.

### **SunBlock Systems, Inc.**

Lead executive handling contracting, client engagement, employment, licensing, compliance and regulatory issues. Create corporate entities, write corporate by-laws and operating agreements, write and review software license agreements, users' terms and conditions, privacy policies and acceptable use agreements for SaaS-based product. Also lead client engagements relating to investigative, litigation and corporate compliance issues. Speak on issues relating to privacy, trade secret theft and restrictive covenant litigation.

### **Levetown & Jenkins, LLP**

**2009-2016**

Managing Partner of trial firm working with multiple law firms including one of largest trial firms in the country to identify and develop cases involving potential and actual violations of the FCA, FCRA, FLSA, FCPA, 10B5 securities frauds, the FTC Act and state UDAP statutes, the

Sherman and Clayton Antitrust laws, the Packers and Stockyards Act, and allegations of patent infringement.

FTI Consulting

2007-2009

Managing Director leading Washington DC office of Global Risk and Investigations Group conducting domestic and international investigations. Also worked with eDiscovery, data analytics and forensics groups.

CoreFacts, LLC and First Advantage Corp.

1999-2007

Founder and CEO of CoreFacts, LLP., a forensic and litigation consulting firm; Built business; sold it to First Advantage in 2004 for an amount in excess of \$16M; President of First Advantage litigation services division until 2007.

DSFX

1997-1999

In-house counsel reviewing and writing contracts and managing a wide variety of corporate compliance issues. Managing international teams of accountants, investigators, eDiscovery and forensics teams in support of litigations and investigations.

Kroll Associates

1994-1997

Regional Counsel responsible for corporate compliance, contracting and employment issues. Managing corporate fraud, FCPA, and other complex internal and external investigations.

United States Attorneys' Office for the District of Columbia

1990-1994

Assistant United States Attorney representing the United States in state and federal trial and appellate courts.

Reed Smith, LLP

1988-1990

Associate in litigation and employment groups. Second-chair experience in toxic tort litigations; wrote pleadings and motions in commercial, trade secret and employment litigations.

## **Education**

- George Washington University, National Law Center, J.D. 1988 (Graduated with Honors)
  - Editor, Journal of International Law & Economics
- University of Virginia, BA 1984 (Graduated with Honors)
  - Editor-in-Chief, The Lampoon
  - President, UVA Weight-Lifting Club

## **Personal**

My wife and I have six children between the ages sixteen and twenty-five. In my spare time, I offer them advice which they usually ignore. I also paint and write screenplays and comedy.