

1 Steve W. Berman (*pro hac vice*)
Robert F. Lopez (*pro hac vice*)
2 HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
3 Seattle, WA 98101
Telephone: (206) 623-7292
4 Facsimile: (206) 623-0594
steve@hbsslaw.com
5 robl@hbsslaw.com

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 MATTHEW
SIMPSON 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, MATTHEW SIMPSON, 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 June 2013. Because I did not think it was right that Google withheld
6 all unpaid program funds from me when it terminated my account, I joined with the other three
7 named plaintiffs in this matter as we filed the First Amended Complaint in September 2014.

8 3. Since I first contacted my attorneys at Hagens Berman in connection with this
9 matter, I have remained actively involved in the case. I wanted to pursue this matter both on my
10 own behalf and that of other publishers who had faced the same situation. It was also important
11 to me that fellow Canadian publishers had a voice in this case.

12 4. All told, I have spent approximately 132 hours working with my counsel on this
13 matter.

14 5. More specifically, I have:

15 Worked with counsel in the investigation of my claims and plaintiffs' claims
16 generally (approximately 12 hours);

17 Conferred with our counsel many times regarding factual issues, including with
18 respect to our three amended complaints (approximately 15 hours);

19 Worked with our counsel to prepare plaintiffs' initial disclosures to Google
(approximately 18 hours);

20 Worked with our counsel on matters related to potential evidence in this case,
21 including preservation issues (approximately 5 hours);

22 Consulted with our lawyers regarding discovery, both to Google, and that Google
23 sent to me—this included responding to Google's interrogatories and requests for
production to me (approximately 14 hours);

24 Prepared and sat for Google's deposition of me—I also traveled from Nanaimo,
25 British Columbia, to this deposition in Vancouver, British Columbia
(approximately 33 hours);

26 Reviewed Google's motions to dismiss our first and third amended complaints,
27 with a special emphasis on factual and legal issues relating to me specifically that
28 Google raised in its motions and supporting papers (approximately 8 hours
altogether)

1 Consulted with our counsel regarding our oppositions to Google's motions to
2 dismiss (approximately 3 hours);

3 Worked with our counsel to prepare declarations in support of class certification
4 (approximately 7 hours);

5 Followed the course of Google's motions to dismiss, including receiving updates
6 from counsel regarding the Court's decisions on these motions (approximately
7 6 hours);

8 Consulted with counsel regarding our motion for reconsideration regarding our
9 liquidated damages-based claim (approximately 2 hours);

10 Consulted with our lawyers regarding settlement possibilities and potential terms
11 (approximately 3 hours);

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

13 Reviewed, consulted with counsel concerning, and approved the terms of
14 settlement with Google (approximately 4 hours);

15 Reviewed and approved the settlement agreement and changes to it
16 (approximately 2 hours);

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

20 Conferred with our lawyers re: the preliminary approval hearing (approximately 2
21 hours)

22 Conferred with counsel regarding plaintiffs' requests for attorneys' fees, costs,
23 expenses, and service awards (approximately 2 hours);

24 Answered additional questions or took action as needed throughout the course of
25 this case (approximately 2 hours).

26
27 6. The many hours I spent on the case were in lieu of time spent with my significant
28 other. I have low energy due to a condition called Primary Adrenal Insufficiency (Addison's
Disease), which requires me to take hormones to replace the ones my body doesn't make
naturally. I can perform tasks like everyone else, but I have a much longer recovery period. I
found that preparing for the deposition, and the deposition itself, was quite stressful and I needed
to triple my hormone dosage to get through it (the lawyer for Google was quite understanding of
my situation). The hours I spent on this case also took away time from my regular employment.

1 I own a few coupon websites and during a normal day I give out instructions to virtual assistants
2 regarding updating coupons on the websites, writing and editing new content for the websites,
3 and building relationships with new merchants.

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

17 8. I also am asking respectfully that the Court approve me a service award in the
18 amount of \$5,000, as contemplated by the settlement agreement. As my lawyers have advised,
19 this sum was negotiated with Google following negotiation of class benefits. I submit the
20 information in this declaration in support of my request.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct.

23 Executed this 3rd day of August, 2018, at Nanaimo, British Columbia, Canada.

24
25 /s/ Matthew Simpson
26 MATTHEW SIMPSON
27
28

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(I)(3)

I, Steve W. Berman, am the ECF User whose identification and password are being used to file this Declaration of Matthew Simpson in Support of Plaintiffs' Motion for Service Awards, Attorneys' Fees, and Costs and Expenses. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/s/) within this e-filed document

Dated: August 3, 2018

By: s/ Steve W. Berman
Steve W. Berman

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