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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re GOOGLE REFERRER HEADER PRIVACY
LITIGATION

This Document Relates To: All Actions

Case No. 5:10-cv-04809-EJD

AMENDED PRELIMINARY APPROVAL ORDER

WHEREAS, Plaintiffs Paloma Gaos, Anthony Italiano, and Gabriel Priyev (“Plaintiffs”) and Defendant Google Inc. (“Google” or “Defendant”) (collectively, the “Parties”), entered into a Settlement Agreement (ECF No. 165-2) on August 24, 2022, which, together with the exhibits and appendices thereto, sets forth the terms and conditions for a proposed resolution of this litigation and for its dismissal with prejudice;

WHEREAS, this Court has reviewed the Settlement entered into by the Parties, all exhibits thereto, the record in this case, and the Parties’ arguments;

WHEREAS, this Court preliminarily finds, for the purpose of settlement only, that the Settlement Class meets all the prerequisites of Federal Rule of Civil Procedure 23 for class certification, including numerosity, commonality, typicality, predominance of common issues, superiority, and that the Plaintiffs and Class Counsel are adequate representatives of the Settlement Class;

1. All terms and definitions used herein have the same meanings as set forth in the Settlement Agreement.

1 Exhibit C (ECF No. 165-3). The Court further approves the Notice of Proposed Class Action
2 Settlement (ECF No. 176-8), Claim Form (ECF No. 176-4), Objection Form (ECF No. 176-6)
3 and Opt-Out Form (ECF No. 165-7), which are attached to the Motion for Preliminary Approval
4 of Class Action Settlement and to the Declaration of Michael Aschenbrener. The Court finds that
5 the dissemination of the Notice Plan, Notice of Proposed Class Action Settlement, Claim Form,
6 Objection Form, and Opt-Out Form substantially in the manner and form set forth in the papers
7 supporting the Motion for Preliminary Approval of Class Action Settlement meets the
8 requirements of Federal Rule of Civil Procedure 23 and due process, constitutes the best notice
9 practicable under the circumstances, and is reasonably calculated, under the circumstances, to
10 apprise members of the Settlement Class of the pendency of the Actions, the effect of the
11 proposed Settlement (including the releases contained therein), the anticipated Motion for a Fee
12 and Expense Award and for Service Awards, and their rights to participate in, opt out of, or
13 object to any aspect of the proposed Settlement.

14 6. The Notice Plan will be implemented, and all announcements at least initially
15 posted on the Settlement Website, within seven (7) days of the entry of the Preliminary Approval
16 Order.

17 **Settlement Administration**

18 7. The Court appoints Kroll to serve as the Settlement Administrator. Kroll shall
19 supervise and administer the notice procedures, establish and operate the Settlement Website,
20 administer the claims processes, distribute cash payments according to the processes and criteria
21 set forth in the Settlement Agreement, and perform any other duties that are reasonably
22 necessary and/or provided for in the Settlement Agreement.

23 8. Settlement Class Members who wish to make a Claim must do so by submitting a
24 Claim Form by July 31, 2023, in accordance with the instructions contained therein. The
25 Settlement Administrator shall determine the eligibility of Claims submitted and allocate the
26 Settlement Funds in accordance with the Settlement Agreement.

1 Hearing may, without further notice to the Settlement Class Members (except those who have
2 filed timely and valid objections and requested to speak at the Final Approval Hearing), be
3 continued or adjourned by order of the Court.

4 12. Any Objector who timely submits an Objection has the option to appear and
5 request to be heard at the Final Approval Hearing, either in person or through the Objector's
6 counsel. Any Objector wishing to appear and be heard at the Final Approval Hearing must
7 include a Notice of Intention to Appear in the body of the Objector's Objection. Objectors who
8 fail to submit or include such timely Notice of Intention to Appear may not speak at the Final
9 Approval Hearing without permission of the Court.

10 13. By June 26, 2023, Class Counsel shall file all papers in support of any Motion for
11 a Fee and Expense Award and/or for Service Awards, and shall serve copies of such papers upon
12 Defense Counsel and upon any Objectors who have validly complied with this Order and have
13 filed their objections prior to the date and time of Class Counsel's fee motion. All opposition
14 papers shall be due by July 31, 2023, and any reply papers shall be filed by August 21, 2023.

15 14. By August 24, 2023, Class Counsel shall file all papers in support of the
16 application for the Final Approval Order and Final Judgment, and shall serve copies of such
17 papers upon Defense Counsel and upon any Objectors who have validly complied with this
18 Order. All opposition papers shall be filed by September 7, 2023, and any reply papers shall be
19 filed by September 21, 2023.

20 15. Class Counsel's motion or application for a Fee and Expense Award and for
21 Service Awards will be considered separately from the fairness, reasonableness, and adequacy of
22 the Settlement. Any appeal from any order relating solely to Class Counsel's Motion for a Fee
23 and Expense Award, and/or for Service Awards, or any reversal or modification of any such
24 order, shall not operate to terminate, vacate, or cancel the Settlement.

25 16. Defense Counsel and Class Counsel are hereby authorized to utilize all reasonable
26 procedures in connection with the administration of the Settlement that are not materially
27 inconsistent with either this Order or the Settlement Agreement.

Schedule and Next Steps

17. The Court sets the following schedule:

Event	Deadline/Date
Notice Date	June 1, 2023
Opening Brief for Fees	June 26, 2023
Claims Deadline	July 31, 2023
Objection Deadline	July 31, 2023
Opt-Out Deadline	July 31, 2023
Opposition Brief for Fees	July 31, 2023
Reply Brief for Fees	August 21, 2023
Opening Briefs for Final Approval	August 24, 2023
Opposition Brief for Final Approval	September 7, 2023
Reply Brief for Final Approval	September 21, 2023
Final Approval Hearing	October 12, 2023 at 9 a.m.

IT IS SO ORDERED.

Dated: May 30, 2023



EDWARD J. DAVILA
United States District Judge