

Notice of Google AdWords Class Action Settlement

In Re Google AdWords Litigation, No. 5:08-cv-03369-EJD
U.S. District Court for the Northern District of California

If, during the period from July 11, 2004 through March 31, 2008, you were a United States resident who had a Google AdWords account and were charged for clicks on advertisements appearing on parked domains or error pages, you may be entitled to payment under the settlement of a class action lawsuit.

To receive your share of the settlement, you must submit a valid claim form no later than June 21, 2017. For further information and to submit your claim form online, please visit AdWordsClassAction.com.

What is This Case About?

Plaintiffs brought this class action lawsuit against Google Inc. on July 11, 2008, alleging that Google failed to disclose to its AdWords customers that it placed their ads on websites known as parked domains and error pages. Parked domains are websites with little or no content, and error pages are websites that users visit when they enter an unregistered address into their web browser.

Plaintiffs claimed that parked domains and error pages are low-quality and that Google's conduct violated California's laws against unfair competition and false advertising and sought restitution—money awards—for class members. Google denied these allegations.

Am I a Class Member?

The parties have agreed to settle this case as a class action. You are a class member if, during the period from July 11, 2004 through March 31, 2008, you were a United States resident who had a Google AdWords account and were charged for clicks on advertisements appearing on parked domains or error pages. Both individuals and businesses can be class members.

What Has Happened in the Case?

Google moved to dismiss the case, arguing that plaintiffs had not alleged their claims with enough particularity and that the class representatives in the case had not relied on Google's alleged misstatements and omissions. On March 17, 2011, the Court denied Google's motion.

Following extensive discovery into Google's records, plaintiffs moved to certify the case as a class action. On January 5, 2012, the Court denied plaintiffs' motion for class certification. Although the Court found that there were common issues concerning Google's liability, it found that individual issues concerning the calculation of individual class members' damages made the case unsuitable to proceed as a class action.

The U.S. Court of Appeals for the Ninth Circuit granted plaintiffs permission to appeal the decision denying class certification. On September 21, 2015, the Court of Appeals reversed the District Court's denial of class certification and sent the case back to the District Court.

Following further appellate proceedings, the parties agreed to conduct a mediation in an attempt to resolve the case. The mediation was successful, and the parties have agreed to a nationwide class action settlement.

What Are the Terms of the Settlement?

Under the proposed settlement, Google has agreed to pay \$22,500,000 into a settlement fund. This settlement fund will provide compensation to class members, pay for notice and administration costs, provide for service awards to the plaintiffs who filed the case, and compensate the attorneys for the class.

If the settlement is approved, class members will be prevented from bringing any further claims against Google for any conduct related to the placement of AdWords ads on any parked domains or error pages during the period from July 11, 2004 through March 31, 2008.

How Will the Settlement Fund Be Distributed?

The lawyers for the class will ask the Court to:

- Pay the costs of providing notice and administration of the settlement from the settlement fund;
- Award payments to each of the class representatives who filed this lawsuit, not to exceed \$5,000 each, as compensation for their active participation in the case over the past eight years;
- Provide the lawyers for the class with compensation for the time and expenses they spent litigating the case.

After these payments have been made, the remaining settlement fund will be distributed to class members who submit claims, in proportion to the amount of money they spent on ads on parked domains and error pages between July 11, 2004 and March 31, 2008.

If after making all of the above payments, class members who submitted claims have been fully compensated for 100% of the amount they spent on parked domains and error pages during this time period, any residual money will generally be distributed as follows:

- If the residual amount is \$100,000 or more, it will be distributed to class members who did not submit claims.
- If the residual amount is less than \$100,000, it will be distributed to two public interest organizations, Public Justice and Public Counsel.

How Much Will I Receive from the Settlement?

If you are a class member, and you submit a valid and timely claim form, you will receive a payment from the settlement fund in proportion to the amount of money you spent on parked domains or error pages between July 11, 2004 and March 31, 2008. The amount you receive will depend on how many class members file claims.

You must have spent at least \$1.00 on AdWords ads served on parked domain and error pages between July 11, 2004 and March 31, 2008 to receive a payment from the settlement fund. The maximum amount you can receive is the total amount you paid for ads on parked domains and error pages during this time period.

How Can I Get a Settlement Payment?

If you are a class member, and would like to receive a settlement payment, you must submit a claim form no later than **June 21, 2017**. You may complete the claim form online at www.AdWordsClassAction.com. Or you may mail your claim form to the following address:

Google AdWords Settlement
c/o Analytics Consulting LLC
P.O. Box 2005
Chanhassen, MN 55317-2005

If you do not file a claim, you will not receive a payment, unless there is money remaining after all class members who do file claims have been fully compensated.

What If I Do Not Want to Be Part of the Settlement?

If you do not want to be part of the settlement, you must submit an opt-out form on the settlement website no later than **June 21, 2017 at 11:59 p.m. PST** or mail the opt-out form with a postmark no later than **June 21, 2017** to the following address:

Google AdWords Settlement
c/o Analytics Consulting LLC
P.O. Box 2005
Chanhassen, MN 55317-2005

If you opt-out of the settlement, you will not be bound by the settlement agreement, you will not receive a settlement payment, and you will not be allowed to object to the settlement.

Who Represents Me in This Case?

The law firm of **Schubert Jonckheer & Kolbe LLP** was appointed by the Court to represent the class in this case. Schubert Jonckheer & Kolbe LLP has been assisted by several other law firms since the case was filed in 2008. You may contact the firm at 415.788.4220 or adwords.settlement@sjk.law.

How Will the Lawyers Be Paid?

Since the beginning of this case more than eight years ago, the attorneys representing the class have not received any payment for their legal services or any reimbursement of the out-of-pocket expenses they have incurred.

The attorneys for the class plan to ask the Court to award attorneys' fees from the settlement fund not to exceed \$6,500,000 and reimbursement of expenses not to exceed \$700,000. This motion, including the exact amount the attorneys for the class will request from the Court, will be posted on the settlement website no later than May 8, 2017.

Will the Court Review the Fairness of the Settlement?

The Court will consider the submissions of the parties, as well as any objections to the settlement. The Court will hold a Final Fairness Hearing on July 27, 2017 at 9:00 AM PST at the following location:

U.S. District Court for the Northern District of California
San Jose Courthouse, Courtroom 4 – 5th Floor
280 South 1st Street
San Jose, CA 95113

At this hearing, the Court will consider:

1. Whether the settlement is fair, reasonable, and adequate;
2. Whether to approve the service awards to the class representatives; and
3. Whether to approve the award of attorneys' fees and expenses to the attorneys for the class.

The date of the Final Fairness Hearing may change without further notice to the class. Class members should check the settlement website or the Court's PACER website to confirm that the date has not been changed.

How Do I Object to the Settlement?

If you are a class member, you may object to any aspect of the settlement, including the applications for service awards to the class representatives or the award of attorneys' fees and expenses.

Any objection must be submitted on the settlement website no later than **June 21, 2017 at 11:59 p.m. PST** or by mail with a postmark no later than **June 21, 2017** to the following address:

Google AdWords Settlement
c/o Analytics Consulting LLC
P.O. Box 2005
Chanhassen, MN 55317-2005

Any objection must be in writing and must:

1. Clearly identify the case name and number, *In Re Google AdWords Litigation*, No. 5:08-cv-03369-EJD;
2. Include the full name, address, telephone number, and email address associated with the Google AdWords account of the person or entity objecting;
3. Include the full name, address, telephone number, and email address of the Objector's counsel (if the Objector is represented by counsel);
4. Provide a detailed explanation stating the specific reasons for the Objection, including any legal and factual support and any evidence in support of the Objection;
5. State the total number of times the Objector or the Objector's Counsel has objected to any class action settlement in any state or federal court in the United States within the last 5 years and provide a list of each such objection with the case name, court, and case number;
6. Be verified by an accompanying declaration submitted under penalty of perjury or a sworn affidavit.

Class members who fail to submit timely written objections in the manner specified above will waive any objections to the settlement.

How Can I Get More Information?

This notice only provides a summary of the proposed settlement. It does not describe all of its details. For the precise terms and conditions of the settlement, please see the settlement agreement and related documents. Additional information about the settlement, including a copy of the settlement agreement, may be obtained by:

- Visiting the settlement website at www.AdWordsClassAction.com;
- Contacting the settlement administrator toll-free by phone at 844-798-3628 or by email at claims@adwordsclassaction.com;
- Contacting the attorneys for the class by phone at 415.788.4220 or by email at adwords.settlement@sjk.law;
- Accessing the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at ecf.cand.uscourts.gov; or
- Visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 280 South 1st Street, 2nd Floor, San Jose, CA 95113, between 9:00 AM and 4:00 PM, Monday through Friday, excluding Court holidays.

Please do not telephone the Court or the Court Clerk's Office to inquire about this settlement or the claims process.