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7 *Class Counsel*

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12
13 **IN RE GOOGLE ADWORDS
LITIGATION**

Case No. 08-cv-3369-EJD

**DECLARATION OF NOAH M.
SCHUBERT IN SUPPORT OF
PLAINTIFFS' MOTION FOR (1) AN
AWARD OF ATTORNEYS' FEES, (2)
REIMBURSEMENT OF COSTS AND
EXPENSES, AND (3) INCENTIVE
AWARDS**

Date: July 27, 2017
Time: 9:00 a.m.
Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor

Action Filed: July 11, 2008

1 I, Noah M. Schubert, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am a partner
3 with Schubert Jonckheer & Kolbe LLP (the “Schubert Firm”), Class Counsel for plaintiffs in this
4 action. I submit this declaration is support of Plaintiffs’ Motion for (1) An Award of Attorneys’
5 Fees, (2) Reimbursement of Costs and Expenses, and (3) Incentive Awards. I make this declaration
6 of my own personal knowledge, information, and belief and, and if called upon to do so, could and
7 would competently testify as set forth herein.

8 2. Robert C. Schubert and I were appointed as Class Counsel in this case pursuant to
9 the Court’s March 9, 2017 Order granting preliminary approval to the proposed settlement. Robert
10 C. Schubert and I are highly experienced in handling complex plaintiff-side litigation, including
11 class actions. A copy of our firm resume, summarizing our attorneys’ backgrounds and experience,
12 is attached hereto as Exhibit A.

13 3. As Class Counsel, my firm was centrally-involved in nearly all key tasks and
14 activities on behalf of Plaintiffs and the Settlement Class during the course of this litigation, and
15 assigned certain work to co-counsel, as appropriate. Wherever possible, Class Counsel sought to
16 avoid any duplication of work and tasks and ensure efficiency. During the discovery process,
17 Plaintiffs propounded 71 document requests (over three sets) and 60 interrogatories (over six sets),
18 which yielded approximately one million pages of documents and data. Additionally, Plaintiffs
19 deposed the following five Google employees and experts: Hal Varian (09/01/2010), Courtney
20 Bowman (09/17/2010), Jonathan Alferness (10/20/2010), Michael Mothner (11/18/2010), and
21 Radolph E. Bucklin (11/09/2010). Plaintiffs also produced numerous documents to Google during
22 discovery, provided interrogatory responses, and sat for depositions (Pulaski & Middleman, LLC
23 on 08/31/2010, Richard Oesterling on 09/08/2010, JIT Packaging, Inc. on 09/15/2010, and RK
24 West, Inc. on 09/22/2010). The parties exchanged initial class certification expert reports and
25 rebuttals, and each of the parties’ experts was deposed.

26 4. In addition to my firm’s extensive review and analysis of nearly one million pages
27 of documents produced by Google as part of the discovery (in collaboration with co-counsel), my
28 firm performed the following work:

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Nature of Task or Project	Record Reference (where applicable)
Research and draft class action complaint, consolidated class action complaint, first amended consolidated class action complaint, second amended consolidated class action complaint, and third amended consolidated class action complaint	Dkt. Nos. 1, 45, 76, 121, 166
Review, research and oppose Google's motion to relate the <i>Levitte, Pulaski & Middleman, LLC</i> , and <i>RK West</i> actions with <i>Almeida v. Google, Inc.</i> , Case No. 08-cv-2088 (N.D. Cal.)	Dkt. Nos. 16-20 in <i>Almeida</i> action
Review and research Google's answer to the initial class action complaint, first amended consolidated class action complaint (including Google's counterclaim), second amended consolidated class action complaint, and third amended consolidated class action complaint	Dkt. Nos. 18, 46, 77, 156, 238
Research and draft Plaintiffs' motion to consolidate related cases pursuant to Fed. R. Civ. Proc. 42(a)	Dkt. Nos. 34-36
Draft various Joint Case Management Conference Statements, meet and confer with counsel for Google accordingly, and appear at case management conferences	Dkt. Nos. 60, 264, 319, 321, 325, 327, 330, 335, 354-355, 357
Negotiate and draft stipulated expert witness discovery order	Dkt. No. 56
Negotiate and draft stipulated protective order	Dkt. No. 58
Review, research and oppose Google's motion to compel Plaintiffs' further responses and production of documents	Dkt. Nos. 92-93, 106, 109-110
Orally argue against Google's motion to compel Plaintiffs' further responses and production of documents	Dkt. No. 136
Draft and research Plaintiffs' motion to compel further responses to Plaintiffs' fifth set of interrogatories propounded on Google, including research and review of Google's opposition thereto	Dkt. Nos. 112-114, 116-118
Orally argue Plaintiffs' motion to compel further responses to Plaintiffs' fifth set of interrogatories propounded on Google	Dkt. No. 120
Draft and research Plaintiffs' motion to compel supplemental expert disclosures, including research and review of Google's opposition thereto	Dkt. Nos. 122, 144-145, 147
Orally argue Plaintiffs' motion to compel supplemental expert disclosures	Dkt. No. 158

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Nature of Task or Project	Record Reference (where applicable)
Draft and research Plaintiffs' motion for leave to file third amended complaint, including research and review of Google's opposition thereto	Dkt. Nos. 127, 141-143, 148
Orally argue Plaintiffs' motion for leave to file third amended complaint	Dkt. No. 163
Review, research, and draft Plaintiffs' opposition to Google's motion to dismiss the third amended complaint	Dkt. Nos. 177, 205-206, 214
Research, review, and oppose Google's motion to modify the Court's earlier December 8, 2010 Order compelling supplemental expert disclosures	Dkt. Nos. 179-181, 185-186
Research and draft Plaintiffs' motion for leave to serve sixth set of interrogatories and to compel further responses thereto, including the reply brief in support thereof, as well as research and review of Google's opposition thereto	Dkt. Nos. 194, 211-212, 219
Orally argue Plaintiffs' motion for leave to serve sixth set of interrogatories and to compel further responses thereto	Dkt. No. 231
Prepare for and defend the deposition of plaintiff Pulaski & Middleman, LLC on August 31, 2010	
Prepare for and defend the deposition of plaintiff Richard Oesterling on September 8, 2010	
Prepare for and defend the deposition of plaintiff JIT Packaging, Inc. on September 15, 2010	
Prepare for and defend the deposition of plaintiff RK West, Inc. on September 22, 2010	
Assist Plaintiffs' class certification and damages model expert, Stan V. Smith, Ph.D., in connection with Dr. Smith's initial and supplemental economic expert reports	Attached as exhibits to Dkt. No. 229
Defend Dr. Smith's November 15, 2010 deposition	
Depose Google witness Hal Varian on September 1, 2010	
Depose Google witness Courtney Bowman on September 17, 2010	
Depose Google witness Jonathan Alferness on October 20, 2010	

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Nature of Task or Project	Record Reference (where applicable)
Depose Google's expert, Randolph E. Bucklin, on November 9, 2010	
Depose Google's expert, Michael Mothner, on November 18, 2010	
Research and draft Plaintiffs' motion for class certification, including related declarations and the reply brief in support thereof (and Plaintiffs' response to Google's objections to reply evidence), as well as research and review of Google's opposition thereto	Dkt. Nos. 227-229, 233, 242, 248-249, 260, 272-276, 282-283, 289-290
Research and draft Plaintiffs' motion to strike certain declarations submitted by Google in support of its opposition to the class certification motion, as well as research and review of Google's opposition thereto	Dkt. Nos. 255, 262-263, 278-279
Orally argue Plaintiffs' motions for class certification and to strike certain declarations submitted by Google in connection with its opposition to Plaintiffs' motion	Dkt. No. 295
Research and draft the supplemental reply brief ordered by the Court on July 6, 2011 in connection with Plaintiffs' motion for class certification	Dkt. No. 296, 307
Research and draft Plaintiffs' motion for leave to file motion for reconsideration of the Court's order	Dkt. Nos. 315-317
Research and draft Plaintiffs' petition to appeal denial of class certification pursuant to Fed. R. Civ. Proc. 23(f)	Dkt. No. 1 in Ninth Circuit appellate docket (No. 12-80121)
Research and draft Plaintiffs' appellate brief regarding denial of class certification, including the reply brief in support thereof, as well as research and review of Google's answering brief thereto	Dkt. Nos. 9-11, 14-15, 18 in Ninth Circuit appellate docket (No. 12-16752)
Orally argue Plaintiffs' appeal of the denial of class certification, including extensive preparation in connection therewith with the assistance of appellate litigation consultant Myron Moskovitz	Dkt. No. 30 in Ninth Circuit appellate docket (No. 12-16752)
Review, research, and draft opposition to Google's petition for a writ of certiorari in the U.S. Supreme Court with the assistance of appellate litigation consultant David C. Frederick of Kellog Hansen Todd Figel & Frederick PLLC	U.S. Supreme Court case no. 15-1101

Nature of Task or Project	Record Reference (where applicable)
Draft and propound Plaintiffs' first, second, and third set of document requests on Google	
Draft and propound Plaintiffs' first, second, third, fourth, fifth, and sixth set of interrogatories on Google	
Review and respond to document requests and interrogatories propounded upon Plaintiffs by Google, including producing requested documents	
Draft mediation briefs and attend mediations before Hon. Layn Phillips, U.S. District Judge (Ret.) in February 2011 and October 2016	
Negotiate and draft the Settlement Agreement	Dkt. No. 365-1
Draft and research Plaintiffs' motion for preliminary approval of the Settlement Agreement	Dkt. Nos. 365-367
Orally argue Plaintiffs' motion for preliminary approval of the Settlement Agreement	Dkt. No. 370
Communicate with the notice administrator, Analytics LLC, regarding dissemination of class notice	
Communicate with potential Settlement Class Members regarding the claims administration process and Settlement Agreement	

5. These litigation efforts undertaken by the Schubert Firm on behalf of Plaintiffs and the Settlement Class are summarized as follows:

<i>Schubert Firm Breakdown of Litigation Efforts</i>	
Category	Hours
Identifying and Communicating with Plaintiffs	31.8
Document Review	2,539.4
Investigations and Factual Research	134.4
Written Discovery	384.0
Depositions	648.5

Pleadings, Briefs, and Pretrial Motions	670.0
Experts	852.4
Court Appearances	94.3
Litigation Strategy and Analysis, and Legal Research	806.7
Class Certification (Including Appeals)	2,068.5
Settlement and Mediation	712.8
Administrative	178.2
Case Management	210.9
Total	9,331.9

6. Throughout the course of this litigation, my firm maintained daily, contemporaneous billing records documenting all time spent in increments of one-tenth of an hour, including tasks performed and expenses incurred in this matter. Based upon my review of our timekeeping records, the Schubert Firm expended **9,331.9 hours** prosecuting this litigation since its inception through May 8, 2017. Multiplied by current hourly billing rates, the Schubert Firm has accrued a total lodestar of **\$5,417,693.00**. These figures do not include any time spent in connection with this motion for an award of attorneys' fees or any time that may later be incurred in connection with settlement approval and any appeals. Expense items are billed separately and are not duplicated in my firm's lodestar.

7. Since the litigation began in 2008, Class Counsel and supporting counsel have billed a combined 14,270.4 hours, totaling \$7,978,519 in attorneys' fees. In connection with this motion, my firm reviewed all timekeeping records, both for its work and the supporting firms' work, and removed entries that were not directly related to tasks specifically requested or assigned by Class Counsel, that were not otherwise directly necessary for the effective prosecution and resolution of the case, or that were potentially duplicative of work performed by others. For instance, time records in which attorneys read and reviewed court filings (when not tasked with a specific assignment in connection with those filings) are not included in the 9,331.9 hours set forth above or in the total 12,496.6 revised hours incurred for all firms, set forth below. Additionally, all

1 hours and lodestar incurred by the supporting firms prior to the Court’s February 25, 2009 Order
 2 consolidating the related actions have been excluded. All of the time reported by my firm herein
 3 was incurred for the benefit of Plaintiffs and the Settlement Class, and I believe it was reasonably
 4 necessary for the effective prosecution and resolution of this case. If the Court requests, my firm’s
 5 timekeeping records will be lodged for inspection.

6 8. The following chart summarizes the litigation efforts for Class Counsel, as well as
 7 the supporting firms who contributed to the case: (1) Foote, Mielke, Chavez & O’Neill, LLC
 8 (“Foote Mielke”), (2) Gross & Belsky P.C. (“Gross & Belsky”), and (3) The Kralowec Law Group
 9 (“Kralowec Law”).

<i>Breakdown of Litigation Efforts for All Plaintiffs’ Counsel</i>	
Category	Hours
Identifying and Communicating with Plaintiffs	32.4
Document Review	5003.8
Investigations and Factual Research	202.7
Written Discovery	459.9
Depositions	749.1
Pleadings, Briefs, and Pretrial Motions	743.7
Experts	992.5
Court Appearances	115.7
Litigation Strategy and Analysis, and Legal Research	947.7
Class Certification (Including Appeals)	2099.9
Settlement and Mediation	751.3
Administrative	179.4
Case Management	218.5
Total	12,496.6

9. The total hours and lodestar of the attorneys, paralegals, and other staff of my firm expended in pursuing the claims in this action, applying the framework discussed above, are summarized as follows¹:

Name	Title / Status	Hours	Rate	Lodestar
Robert C. Schubert	Senior Partner	722.3	\$900	\$650,070.00
Willem F. Jonckheer	Partner	1,082.1	\$750	\$811,575.00
Dustin L. Schubert	Partner	260.4	\$600	\$156,240.00
Noah M. Schubert	Partner	1,041.6	\$600	\$624,960.00
Kimberly A. Kralowec ²	Partner (former)	97.9	\$600	\$58,740.00
Miranda P. Kolbe	Of Counsel	2,415.8	\$750	\$1,811,850.00
Kathryn Y. Schubert	Associate	3.0	\$520	\$1,560.00
Jason A. Pikler	Associate (former)	650.9	\$450	\$292,905.00
Seth Gondek	Project Attorney	630.0	\$350	\$220,500.00
Elizabeth Newman	Project Attorney	299.0	\$350	\$104,650.00
Francis Der	Law Clerk	1,668.8	\$350	\$584,080.00
Leah McGrath	Paralegal	1.0	\$200	\$200.00
Pamela Lee	Paralegal (former)	1.4	\$190	\$266.00
Sarah Strickland	Paralegal (former)	0.5	\$190	\$95.00
Jason Dang	Paralegal (former)	373.7	\$220	\$83,479.00
Jackie Zaneri	Paralegal (former)	65.8	\$200	\$13,160.00
Arthur Keng	Paralegal (former)	17.7	\$190	\$3,363.00
Totals		9,331.9		\$5,417,693.00

¹ The hourly rate shown for any attorney or paralegal who: (a) is no longer employed by the Schubert Firm or (b) has been promoted, reflects the last rate that applied at the time of their employment in that position.

² Ms. Kralowec was a Schubert Firm partner until approximately March 1, 2010. Ms. Kralowec's 97.9 reported hours do not duplicate those reported by The Kralowec Law Group in Ms. Kralowec's accompanying declaration.

1 10. The Schubert Firm’s hourly billing rates are fair, reasonable, and in line with
2 comparable law firms. These rates are the usual and customary rates charged for each individual in
3 all of our cases. Numerous other courts have approved the Schubert Firm’s rates in other class
4 actions and other matters, including: (i) Magistrate Judge Donna M. Ryu in *True Health*
5 *Chiropractic, Inc. v. McKesson Corp.* (Case No. 13-cv-2219-HSG, U.S. District Court for the
6 Northern District of California) on May 29, 2015, approving hourly rates of \$900 for Robert C.
7 Schubert and \$750 for Willem F. Jonckheer in a Telephone Consumer Protection Act (“TCPA”)
8 class action; (ii) Hon. Jack Zouhary in *In re Polyurethane Foam Antitrust Litig.* (Case No. 10-md-
9 2196, U.S. District Court for the Northern District of Ohio) on January 27, 2016, approving hourly
10 rates of \$900 for Robert C. Schubert, \$750 for Willem F. Jonckheer, \$450 for Jason A. Pikler, and
11 \$200 for Jackie Zaneri in an antitrust consumer class action settlement; (iii) Hon. J. Paul Oetken in
12 *Wilfred v. Modany, et al.* (Case No. 1:13-cv-3110, U.S. District Court for the Southern District of
13 New York) on April 6, 2016, approving hourly rates of \$900 for Robert C. Schubert, \$750 for
14 Willem F. Jonckheer, \$750 for Miranda P. Kolbe, \$600 for Dustin L. Schubert, and \$350 for
15 Francis Der, and historical rates of \$550 for Noah M. Schubert and \$480 for Kathryn Y. Schubert
16 in a shareholder derivative settlement; (iv) Hon. Katherine A. Bacal in *Hohnbaum, et al. v. Brinker*
17 *Restaurant Corporation, et al.* (Case No. GIC834348, San Diego Superior Court) on December 12,
18 2014, approving historical hourly rates of \$600 for Kimberly A. Kralowec, \$220 for Jason Dang,
19 and \$190 for Sarah Strickland in an employment class action settlement; and (v) Hon. Susan Ilston
20 in *In re: TFT-LCD (Flat Panel) Antitrust Litig.* (Case No. 3:07-md-01827, U.S. District Court for
21 the Northern District of California) on March 29, 2013 approving historical hourly rates of \$600
22 for Kimberly A. Kralowec, \$330 for Seth Gondek, \$250 for Elizabeth Newman, \$200 for Leah
23 McGrath, and \$190 for Arthur Keng and Pamela Lee in an antitrust consumer class action
24 settlement.

25 11. In total, Plaintiffs’ counsel incurred **12,496.6 hours** litigating this action, resulting
26 in a combined lodestar of **\$7,002,126.00**, as reflected in the following chart:
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Firm Name	Hours	Lodestar
Schubert Jonckheer & Kolbe LLP	9,331.9	\$5,417,693.00
Foote, Mielke, Chavez & O'Neill, LLC	1997.3	\$1,081,585.00
Gross & Belsky P.C.	1024.7	\$388,927.50
The Kralowec Law Group	142.7	\$113,920.50
Totals	12,496.6	\$7,002,126.00

12. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials, and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if requested.

13. My firm incurred a total of \$658,726.32 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. The expenses include substantial fees to litigation consultants Myron Moskowitz (in connection with Plaintiffs' successful appellate argument in the Ninth Circuit) and David C. Frederick of Kellogg Hansen Todd Figel & Frederick PLLC (in connection with successfully opposing Google's petition for a writ of certiorari in the U.S. Supreme Court), whose services were critical to Plaintiffs' successful appeal. A summary of my firm's unreimbursed expenses by category follows below:

<i>Schubert Firm Breakdown of Unreimbursed Litigation Expenses</i>	
Expense Category	Totals
Alternative Dispute Resolution / Mediation	\$31,655.00
Experts	\$439,718.86
FedEx	\$1,765.59
Filing Fees	\$1,610.00
In-House Copies / Reproduction / Appellate Binding	\$14,763.01
Legal Research (PACER, Lexis, Westlaw)	\$31,288.49
Litigation Consultant Fees	\$17,096.80

Messenger / Courier	\$4,125.05
Online Document Production Hosting Charges	\$93,718.78
Postage	\$211.23
Process Service	\$95.00
Telephone / Facsimile	\$1,825.96
Transcripts	\$14,425.45
Travel-Related Expenses	\$6,427.10
Expense Totals	\$658,726.32

14. In total, Plaintiffs' counsel incurred a total of \$750,645.43 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. A summary of this total follows below:

<i>Breakdown of Unreimbursed Litigation Expenses for All Plaintiffs' Counsel</i>	
Expense Category	Totals
Alternative Dispute Resolution / Mediation	\$34,505.00
Experts	\$505,521.82
FedEx	\$1,861.03
Filing Fees	\$2800.00
In-House Copies / Reproduction / Appellate Binding	\$14,891.66
Legal Research (PACER, Lexis, Westlaw)	\$32,503.63
Litigation Consultant Fees	\$20,032.06
Messenger / Courier	\$4,125.05
Online Document Production Hosting Charges	\$93,718.78
Postage	\$212.60
Process Service	\$170.00
Telephone / Facsimile	\$2,509.12
Transcripts	\$14,425.45

Travel-Related Expenses	\$23,369.23
Expense Totals	750,645.43

15. The \$750,645.43 in expenses incurred by Plaintiffs' counsel's firms, are summarized as follows:³

Firm Name	Unreimbursed Litigation Expenses
Schubert Jonckheer & Kolbe LLP	\$658,726.32
Foote, Mielke, Chavez & O'Neill, LLC	\$91,316.90
Gross & Belsky P.C.	\$333.89
The Kralowec Law Group	\$268.32
Totals	\$750,645.43

16. Prosecution of this action has involved significant financial risk for the Schubert Firm. My firm undertook this matter solely on a contingent basis, with no assurance of any recovery, and devoted significant resources in terms of its time, energy, and efforts to the resolution of Plaintiffs and the Settlement Class's claims. Class actions are typically complex and protracted, and this case, filed in July 2008 and which involved extensive appellate practice, is not an exception. Additionally, the Schubert Firm's litigation efforts in this matter prevented my firm from pursuing other work that might have been as or more rewarding than this action.

17. In April 2017, the Court-approved Settlement Administrator, Analytics LLC, updated the Settlement Website (www.AdwordsClassAction.com) to include the settlement notice, claim form, and other important case documents relating to the Settlement. On or about April 22, 2017, Analytics completed the Court-approved notice plan by disseminating the Email Notice and mailing the supplemental Postcard Notice to Settlement Class Members whose Email Notices had bounced. On April 18, 2017, Class Counsel also issued a press release announcing the settlement.

³ These amounts do not include the various assessment payments supporting counsel made to a litigation fund operated by the Schubert Firm to finance common litigation expenses. For simplicity, amounts paid out of the litigation fund are included in the chart as expenses of the Schubert Firm.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of May, 2017 in San Francisco, California.

/s/ Noah M. Schubert

Noah M. Schubert

EXHIBIT A

SCHUBERT JONCKHEER & KOLBE LLP

Together with its predecessor firms, Schubert Jonckheer & Kolbe LLP has been in operation for over thirty-five years. In addition to prosecuting cases in California federal and state courts, the firm has been actively involved in securities, antitrust, unfair competition, and employment class actions throughout the United States. Schubert Jonckheer & Kolbe has served as Lead Counsel or Co-Lead Counsel in class actions and shareholder derivative actions that have produced recoveries valued at over \$850 million.

- ***Tucker v. Scrushy***, No. CV-02-5212 (Ala. Cir., Jefferson Cty.). Co-Lead Counsel in shareholder derivative action on behalf of HealthSouth Corporation alleging breaches of fiduciary duty and insider trading arising from a restatement of financial results. Plaintiffs won partial summary judgment against former CEO Richard Scrushy for restitution to HealthSouth of \$47.8 million. Plaintiffs also settled HealthSouth's claims against additional HealthSouth directors and officers for \$100 million and against its investment banker for an additional \$133 million. At trial against Mr. Scrushy on additional claims, Plaintiffs obtained a \$2.9 billion judgment, which was later upheld by the Alabama Supreme Court.
- ***In re Google AdWords Litigation***, No. 08-CV-3369-EJD (N.D. Cal.). Lead Counsel for nationwide class of advertisers alleging Google placed their ads on low-quality parked domains and error pages in violation of California's false advertising laws. We obtained a \$22.5 million settlement on behalf of over one million class members, which is pending final approval in the Northern District of California.
- ***Poertner v. The Gillette Company***, No. 12-CV-803 (M.D. Fla.). Co-Lead Counsel in nationwide consumer class action alleging false and misleading advertising of certain Duracell batteries regarding the batteries' longevity, in violation of various state laws. We obtained a settlement valued at approximately \$50 million on behalf of approximately 7.26 million class members.
- ***In re Marsh & McLennan Companies, Inc. Derivative Litigation***, No. 753-VCS (Del. Ch.). As co-counsel, we helped obtain a \$205 million settlement in a shareholder derivative action brought on behalf of Marsh & McLennan Companies ("MMC"). The complaint alleged that MMC, the world's largest insurance broker, failed to adequately disclose that it was paid commissions to steer insurance business to favored companies. When the practices were revealed, MMC paid huge fines, to the detriment of its shareholders.
- ***3M Transparent Tape Cases***, No. 00-2810-CW (N.D. Cal.). Co-Lead Counsel in nationwide antitrust class action on behalf of purchasers of 3M transparent tape. Plaintiffs claimed that 3M maintained an unlawful monopoly in the market for invisible and transparent tape designed to restrict the availability of lower-priced comparable products to consumers and maintain supracompetitive prices for its own retail products. We obtained a settlement valued at approximately \$42 million.

- ***Bonneville Pacific Corporation Securities Litigation***, No. 92-C-181-S (D. Utah). Co-Lead Counsel in securities class action involving fraudulent financial statements by a power cogeneration company. We obtained settlements totaling \$26 million for the class, which recovered 100% of its damages, in one of the largest securities fraud cases in Utah history. We also obtained an important decision from the Utah Supreme Court holding that plaintiffs need not plead or prove reliance under the Utah Uniform Securities Act.
- ***Qwest Communications International, Inc. Derivative Litigation***, No. 02-CV-8188 (Colo. Dist. Ct., Denver). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading arising out of the telecommunications company's earnings restatement. We obtained a \$25 million settlement on the company's behalf.
- ***Pfeiffer v. Toll***, No. 4140-VCL (Del. Ch.). Primary counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading arising out of missed earnings projections. We recovered \$16.25 million and obtained a key legal ruling rejecting the argument that Delaware's leading insider trading precedent should be overruled. *Pfeiffer v. Toll*, 989 A.2d 683 (Del. Ch. 2010).

CURRENT COURT-APPOINTED LEADERSHIP POSITIONS

- ***In re Google AdWords Litigation***, No. 08-CV-3369-EJD (N.D. Cal.). Lead Counsel for nationwide class of advertisers alleging Google placed their ads on low-quality parked domains and error pages in violation of California's false advertising laws.
- ***Fisher v. United States***, No. 13-CV-608-MMS (Fed. Cl.). Lead Counsel in shareholder derivative action on behalf of Fannie Mae alleging unconstitutional taking of private property against U.S. government based on net worth sweep of all profits.
- ***In re Zynga Shareholder Derivative Litigation***, No. CGC-12-522934 (Cal. Super. Ct.). Lead Counsel in shareholder derivative action alleging insider trading and breaches of fiduciary duty by certain officers and directors in connection with Zynga's IPO.
- ***In re Solar City Corporation Securities Litigation***, No. 16-cv-04686-LHK (N.D. Cal.). Co-Lead Counsel in securities class action alleging Solar City made false and misleading statements concerning its financial projections.
- ***In re The Home Depot, Inc. Shareholder Derivative Litigation***, No. 15-CV-2999-TWT (N.D. Ga.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain officers and directors concerning Home Depot data breach.
- ***Oakland Police & Fire Ret. Sys. v. Mayer Brown***, No. 15-CV-6742 (N.D. Ill.). Co-Lead Counsel for class of participants in a \$1.5 billion secured term loan with GM alleging malpractice and negligence against Mayer Brown related to their role in the transaction.

ATTORNEYS

Robert C. Schubert received a B.S. degree from the New York State School of Industrial and Labor Relations at Cornell University in 1966, where he graduated first in his class. He received his J.D. *cum laude* from Harvard Law School in 1969, after which he taught law at Columbia University and Golden Gate University. He has actively practiced law at both the trial and appellate levels. He specializes in complex litigation, particularly securities and antitrust class actions and shareholder derivative suits. He is a member of the state and federal bars of California, Massachusetts, and New York. Since 1971, he has also arbitrated numerous disputes for the Federal Mediation and Conciliation Service. He is the author of several published articles and lectures on class actions at the University of California, Hastings.

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