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GOOGLE INC.

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

13 In re Google AdWords Litigation

Case No. 08-CV-03369 EJD

14 **STIPULATION AND ~~PROPOSED~~ ORDER TO**
15 **EXTEND DEADLINE FOR DISBURSEMENT OF**
16 **ADWORDS CREDITS**

17 **LOCAL RULE 6**

Action Filed: July 11, 2008

RECITALS

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2 1. On March 9, 2017, the Court granted Class Counsel’s motion for preliminary
3 approval of a class action settlement, approval of class notice, and provisional certification of the
4 settlement class (“Settlement Class”) in this case (ECF 369).

5 2. On August 7, 2017, the Court granted Class Counsel’s motion for final approval of
6 a class action settlement (the “Settlement”) (ECF 384).

7 3. The Settlement establishes a “Net Settlement Fund” to be paid out to class
8 members (ECF 365-1 at § 1.21).

9 4. Settlement payments to class members from the Net Settlement Fund are to be
10 distributed within 30 days of the “Effective Date” (ECF 365-1 at § 2.8).

11 5. The Effective Date is September 6, 2017.

12 6. Payments to class members under § 2.8 of the Settlement are therefore currently
13 due on October 6, 2017.

14 7. The Settlement sets the “Default Payment Method” as an “ACH Transfer to the
15 Claimant’s bank account” (ECF 365-1 at § 2.5.1).

16 8. The Settlement gives class members the option of electing to receive an AdWords
17 credit or physical check in place of an ACH Transfer (ECF 365-1 at § 2.5.2).

18 9. Over two thousand class members have elected to receive AdWords credit
19 (Declaration of Kyle C. Wong (“Wong Decl.”) at ¶ 2).

20 10. Thousands of the class members submitted claims with inaccurate information,
21 including incorrect AdWords account numbers. (*Id.* at ¶ 3).

22 11. Because of this inaccurate information, the vendor the parties employed to
23 administer the settlement had to spend significant amounts of time to sort and verify these claims
24 properly. (*Id.* at ¶ 4.)

25 12. As a result, there was an unexpected delay in getting Google Inc. the information it
26 needed to process the claims at issue, including the credits for those who opted to receive them.
27 (*Id.* at ¶ 5).

28 13. Each credit must be individually processed by Google Inc. (*Id.* at ¶ 6).

1 14. Because of various technical and administrative procedures that are required to
2 issue the credits, Google Inc. cannot ensure it will be able to process this number of AdWords
3 credits before the October 6, 2017 deadline (*Id.* at ¶ 7).

4 15. Both parties agree that class members that have requested an AdWords credit will
5 not suffer unfair prejudice should the deadline for the disbursement of these credits only be
6 extended by 45 days (up and until November 20, 2017).

7 16. The extension of this deadline would not alter any other deadlines or dates in this
8 case including the deadline for Google Inc. to make payments by cash and ACH transfer.

9 **STIPULATION**

10 Based on the foregoing, the parties hereby stipulate, and respectfully ask the Court to order
11 that the deadline for disbursement of the AdWords credits from the Net Settlement Fund
12 contemplated in § 2.5.2 of the Settlement be extended by 45 days to and including November 20,
13 2017.

14 Dated: October 2, 2017

15 COOLEY LLP
16 MICHAEL G. RHODES (116127)
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18 KYLE C. WONG (224021)

19 /s/ Whitty Somvichian
Whitty Somvichian

20 Attorneys for Defendant
GOOGLE INC.

21 Dated: October 2, 2017

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25 /s/ Noah M. Schubert
Noah M. Schubert

26 Class Counsel

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ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from the other signatories.

Dated: October 2, 2017

COOLEY LLP
WHITTY SOMVICHIAN (194463)

/s Whitty Somvichian

Whitty Somvichian

Attorneys for Defendant
GOOGLE INC.

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~~PROPOSED~~ ORDER

Good cause appearing, pursuant to stipulation of the Parties, the following deadline in the Preliminary Approval Order (ECF 369) and Final Approval Order (ECF 384) is hereby modified as follows:

1. Google Inc. shall have up to, and including, November 20, 2017 to disburse AdWords credits to class members that elected to receive AdWords credit in place of an ACH Transfer for purposes of the disbursement of the Net Settlement Fund.
2. All other deadlines in the Preliminary Approval Order and Final Approval Order shall remain unchanged.

IT IS SO ORDERED.

Dated: October 3, 2017



Hon. Edward J. Davila
U.S. District Court Judge

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