EXHIBIT 1: PLAN OF ALLOCATION FOR NET SETTLEMENT FUND

***Weeks v. Google LLC*, Case No. 5:18-cv-00801-NC**

The Net Settlement Fund will be distributed according to the following plan, subject to approval by the Court. All capitalized terms contained and not otherwise defined herein have the meanings ascribed to them in the Settlement Agreement dated May 10, 2019.

I. General Provisions

A. All Class Members[1] are eligible to submit claims for a share of the Net Settlement Fund. Class members who do not receive notice by email or a postcard from the Settlement Administrator will need to provide proof of purchase to be eligible for payment.

B. Class members may submit completed Claim Forms through the Settlement Website or by U.S. mail.

C. To be eligible for payment, claims must be submitted or postmarked no later than 60 days after the Notice Date. Late claims may be considered if deemed appropriate by the Settlement Administrator in consultation with Class Counsel, or if ordered by the Court.

D. The Settlement Administrator will establish and maintain the Settlement Website, which will be accessible through commonly used internet service providers and will, among other things, be used for the electronic submission of Claim Forms. The Settlement Administrator will be responsible for receiving and processing requests for Claim Forms; promptly delivering Claim Forms to Class members who request them; establishing, in

[1] The Settlement Class consists of all individuals in the United States who purchased a new Pixel, other than for resale, manufactured before January 4, 2017. Excluded from the Settlement Class are (a) Google, and its officers, directors, employees, subsidiaries, and Affiliates; (b) all judges assigned to this case and any members of their immediate families; (c) the parties' counsel in this litigation; and (d) all individuals who returned a Pixel manufactured before January 4, 2017 to Google or Verizon and received as a replacement a new Pixel manufactured after January 3, 2017 or a refurbished Pixel after June 5, 2017, as determined by Google's records.

consultation with Class Counsel, appropriate claim auditing and verification protocols and procedures; and determining the eligibility of claims for payment consistent with this plan or as otherwise ordered by the Court. The Settlement Administrator also must satisfy Google's requirements for cybersecurity and protection of customer information.

II. The Claim Form

A. There will be one Claim Form, and each Pixel[2] purchased may be the subject of only one claim. Class members who purchased multiple Pixels may submit a separate claim for each Pixel purchased.

B. To the fullest extent practicable, Claim Forms will be pre-populated with Class member names and email addresses.

C. The Claim Form will require each Claimant to confirm his or her current contact information and desired payment option, and to certify that he or she is within the United States and purchased a new Pixel, not for resale, and that all information provided is true and correct to the best of his or her knowledge.

D. The Claim Form will clearly state that a Claimant need not have experienced the alleged Audio Defect to make a claim and be eligible for payment.

E. The Claim Form will include the following questions, which shall be answered under oath:

1. Whether the Claimant is in the United States and purchased a Pixel,

2. Whether the Claimant purchased the Pixel not for resale.[3]

3. Whether the Pixel that the Claimant purchased experienced the alleged Audio Defect.[4]

[2] "Pixel" means the first generation Pixel and Pixel XL smartphones

[3] The Settlement Administrator will use available records to confirm that the Claimant purchased a Pixel manufactured before January 4, 2017.

4. Whether the Claimant received a replacement Pixel after the Pixel that he or she purchased experienced the alleged Audio Defect, and if so, whether the replacement Pixel also experienced the alleged Audio Defect.

5. Whether the Claimant paid a deductible to Assurant on an insurance claim relating to the alleged Audio Defect.

F. To the fullest extent practicable, responses to these questions will be pre-populated with data maintained by Google, Verizon, and Assurant.

G. Where responses to one or more of these questions are not pre-populated, a Claimant will be prompted to upload documentation supporting each answer indicating that the Claimant purchased a Pixel, had a Pixel (or Pixels) experience the alleged Audio Defect, or paid an insurance deductible. Such documentation may consist of, without limitation, emails, customer service chat logs, repair records, insurance claims, Return Merchandise Authorization ("RMA") confirmations, or other credible contemporaneous evidence of the alleged Audio Defect ("Documentation"). The Settlement Administrator may require a Claimant who submits only an RMA to submit additional documentation if necessary to establish that a Pixel experienced the alleged Audio Defect.

H. With respect to each claim supported by Documentation, the Settlement Administrator will make a final determination as to whether the Documentation submitted is sufficient to verify the claim.

III. Determination of Class Member Payments

A. The Settlement Administrator will determine which claims are eligible for payment and, based on the following criteria, will sort each eligible claim into one or more of

[4] Audio Defect, as defined in the Settlement Agreement, means a problem with the microphones or speakers on a Pixel manufactured before January 4, 2017.

four Claim Groups in this section. Each claim will be allocated a portion of the Net Settlement Fund according to the Claim Group(s) within which it falls:

1. **Group 1**: No alleged Audio Defect or undocumented alleged Audio Defect. Group 1 includes:

a. Claimants who purchased a Pixel and did not report experiencing the alleged Audio Defect.

b. Claimants who do not submit sufficient Documentation to establish that their Pixel experienced the alleged Audio Defect.

2. **Group 2**: Insurance deductible payments. Group 2 includes Claimants who paid a deductible to Assurant on an insurance claim relating to the alleged Audio Defect. The members of this group—and the respective amounts of their deductible payments—will be determined through records provided by Assurant. The Claim Form provided to such Class members will be pre-populated to show that Assurant's records indicate they paid a deductible on an insurance claim relating to the alleged Audio Defect, and are eligible to be reimbursed for that payment under the Settlement. To complete a claim, Group 2 Claimants will only need to confirm the information and submit the form. A Group 2 Claimant may also be eligible for an additional payment as a member of another Claim Group.

3. **Group 3**: Multiple failures. Group 3 includes:

a. Claimants who, according to Google's or Verizon's records, reported experiencing the alleged Audio Defect and then reported experiencing the alleged Audio Defect at least once on a replacement Pixel. The Claim Form provided to such Class members will be pre-populated to show that Google's or Verizon's records indicate they are eligible to receive a Settlement payment based on multiple Pixel failures. To complete a claim,

Group 3 Claimants who receive such a pre-populated Claim Form will only need to confirm the information and submit the form.

b. Claimants who purchased a Pixel that they attest experienced the alleged Audio Defect, who further attest that they received a replacement Pixel that experienced the alleged Audio Defect, and who submit Documentation deemed sufficient by the Settlement Administrator to establish that they reported experiencing the alleged Audio Defect and also reported experiencing the alleged Audio Defect at least once on a replacement Pixel.

4. **Group 4**: Single failure. Group 4 includes:

a. Claimants who, according to Google's or Verizon's records, reported experiencing the alleged Audio Defect once. The Claim Form provided to such Class members will be pre-populated to show that Google's or Verizon's records indicate they are eligible to receive a Settlement payment based on Pixel failure. To complete a claim, Group 4 Claimants who receive such a pre-populated Claim Form will only need to confirm the information and submit the form.

b. Claimants who purchased a Pixel that they attest experienced the alleged Audio Defect, and who submit Documentation deemed sufficient by the Settlement Administrator to establish that their Pixel experienced the alleged Audio Defect once.

B. The Net Settlement Fund will be allocated as follows:

1. An amount sufficient to pay each Group 1 Claimant $20 will be set aside and reserved for such payments; provided, however, that if the sum of such payments would exceed 25 percent of the fund, 25 percent of the fund will be set aside and reserved for payments to the Group 1 Claimants on a *pro rata* basis. Payment for each claim within Group 1 will be capped at $20.

2. An amount sufficient to fully reimburse the insurance deductibles paid to Assurant by the Group 2 Claimants will be set aside and reserved for such reimbursements.

3. An amount sufficient to pay each Group 3 Claimant $500 will be set aside and reserved for such payments. Payment for each claim within Group 3 will be capped at $500.

4. The remaining money in the fund will be allocated as follows:

a. An amount sufficient to pay each Group 4 Claimant $350 will be set aside and reserved for such payments; provided, however, that if such payments would exceed the remaining money in the fund, the remaining money in the fund will be allocated to the Group 4 Claimants on a *pro rata* basis. Payment for each claim within Group 4 will be capped at $350.

b. If the fund is not then exhausted and the amount reserved for each Group 1 Claimant is less than $20, the reserved payments for the Group 1 Claimants will be increased *pro rata*, up to $20 for each such payment, so as to exhaust the fund.

c. If the fund is not then exhausted, the reserved payments for all claimants within Group 4 will be increased *pro rata* so as to exhaust the fund, subject to the Group 4 payment cap.

d. If any additional funds remain in the Net Settlement Fund after payment of all eligible claims, Class Counsel will notify the Court and propose a reasonable alternative or alternative for distribution of the remaining funds, subject to Google's approval.

C. The Settlement Administrator will pay all reserved payments on eligible claims according to the above plan, in a single installment, by check or electronic payment.