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18 *Class Counsel*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

19
20 PATRICIA WEEKS, ALICIA HELMS, BRIAN
21 MCCLOY, and ADRIAN ALCARAZ on behalf of
22 themselves and all others similarly situated,

23 Plaintiffs,

24 v.

25 GOOGLE LLC,

26 Defendant.
27

Case No. 5:18-cv-00801-NC

**JOINT DECLARATION IN SUPPORT
OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL AND FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Date: December 6, 2019

Time: 1:00 p.m.

Courtroom: 5, 4th Floor

Judge: Hon. Nathanael Cousins

1 We, Daniel C. Girard and Benjamin F. Johns, declare as follows pursuant to 28 U.S.C. §
2 1746:

3 1. Daniel C. Girard is the founder and managing partner of Girard Sharp LLP
4 (“Girard Sharp”) and one of the attorneys of record for Plaintiffs.¹ Mr. Girard submits this
5 declaration in support of Plaintiffs’ motion for final approval and for attorneys’ fees, costs and
6 service awards. Mr. Girard makes this declaration based on his own personal knowledge, and if
7 called to do so, could testify to the matters contained herein.

8 2. Benjamin F. Johns is a partner at the law firm of Chimicles Schwartz Kriner &
9 Donaldson-Smith LLP (“Chimicles”) and one of the attorneys of record for Plaintiffs. Mr. Johns
10 submits this declaration in support of Plaintiffs’ motion for final approval and for attorneys’ fees,
11 costs and service awards. Mr. Johns makes this declaration based on his own personal knowledge,
12 and if called to do so, could testify to the matters contained herein.

13 3. Plaintiffs and Class Counsel secured a \$7,250,000 all-cash, non-reversionary
14 settlement that provides substantial monetary relief for consumers who bought first-generation
15 Google Pixel and Pixel XL smartphones that were allegedly prone to audio failures.

16 4. The common fund will deliver monetary benefits to all members of the Settlement
17 Class, providing the greatest relief to those who reported microphone or speaker failures.

18 5. Based on our knowledge of the litigation and considerable experience in consumer
19 class action cases, Class Counsel support the Settlement Agreement reached in this case as an
20 excellent result for the Class.

21 **I. THE LITIGATION**

22 6. Class Counsel were retained by Plaintiffs following reports of the Pixel and Pixel
23 XL smartphones experiencing microphone and speaker failures that allegedly prevented the
24 phones from being used as intended.

25 7. Following a through factual investigation, Class Counsel prepared and filed the
26 initial complaint in this action. ECF No. 1. Class Counsel sought appointment as interim class

27 _____
28 ¹ Capitalized terms have the same meaning as set forth in the definitions section of the Settlement Agreement (ECF No. 155-2).

1 counsel and filed an amended complaint. ECF Nos. 25-26. While the motion was pending, the
2 parties conferred under Rule 26 and submitted a joint case management statement. ECF No. 38.
3 The Court then held a Rule 16 conference. ECF No. 44.

4 8. After receiving a proposed timekeeping protocol, the Court appointed Girard Sharp
5 and Chimicles to serve as interim class counsel. ECF Nos. 45-46.

6 9. Google moved to dismiss on May 10 (ECF No. 42); Plaintiffs opposed the motion
7 (ECF No. 54); and the Court heard argument on August 15, 2018 (ECF No. 63). The next day, the
8 Court issued an opinion granting in part and denying in part the motion to dismiss. ECF No. 66.
9 Plaintiffs then filed the operative Second Amended Complaint (“SAC”). ECF No. 83.

10 10. Class counsel have spent hundreds of hours conducting discovery in this action.
11 Class Counsel’s discovery efforts included the following:

- 12 a. Taking twelve depositions, including two FED. R. CIV. P. 30(b)(6)
13 depositions of Google, a FED. R. CIV. P. 30(b)(6) deposition of non-party Verizon, and nine fact
14 witnesses and/or declarants from Google;
- 15 b. Defending depositions of the four Plaintiffs and of Plaintiffs’ two testifying
16 experts;
- 17 c. Serving and responding to multiple sets of document requests,
18 interrogatories, and requests for admission;
- 19 d. Negotiating notices of Rule 30(b)(6) depositions of representatives of
20 Google and Verizon;
- 21 e. Preparing to depose Google’s three experts;
- 22 f. Reviewing and analyzing over 350,000 pages of documents produced by
23 Google and over 100,000 pages of documents produced by non-parties;
- 24 g. Retaining and working closely with two experts, one on the manufacture of
25 electronics and one on economic damages, each of whom submitted reports and was deposed;
- 26 h. Obtaining a protective order precluding depositions of former Plaintiffs
27 (ECF No. 136);
- 28 i. Litigating other discovery disputes (ECF Nos. 104 & 118);

1 j. Negotiating a Protective Order (ECF No. 50) and an ESI Protocol (ECF No.
2 49);

3 k. Negotiating with Google’s attorneys regarding various document, data
4 production, and other discovery issues and disputes, including through numerous telephone
5 conferences and exchanges of written correspondence; and

6 l. Serving subpoenas and negotiating with ten non-parties to obtain documents
7 bearing upon Pixel consumer complaints, repairs, insurance claims, and sales volume.

8 11. The parties completed fact discovery on February 15, 2019.

9 12. Plaintiffs moved for class certification on November 5, 2018, supporting the
10 motion with written analyses from their two experts. ECF No. 94. Google’s opposition raised
11 several challenges to certification, relying on declarations from Google employees and from three
12 experts. ECF No. 133. The parties settled before the certification motion was heard. ECF No.
13 143.

14 **II. SETTLEMENT NEGOTIATIONS**

15 13. Class Counsel participated in a full-day settlement conference before Magistrate
16 Judge Donna M. Ryu on February 22, 2019. In preparation for this conference, Class Counsel
17 exchanged briefs with defense counsel and submitted confidential letters to Judge Ryu. At the end
18 of the conference, the parties reached an agreement in principle to settle the case. ECF No. 141.

19 14. Class Counsel then devoted several months to negotiating and documenting the
20 settlement. Class Counsel developed a plan of allocation designed to fairly compensate class
21 members under various claim scenarios and by reference to the occurrence (or non-occurrence) of
22 alleged product failure. Under the plan, all settlement class members are eligible for direct cash
23 relief, and members who reported suffering multiple alleged failures are eligible to recoup the
24 highest payment.

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1 15. Class Counsel then prepared a preliminary approval motion that fully complied
2 with the updated Northern District’s Procedural Guidelines for Class Action Settlements.²
3 Plaintiffs moved for preliminary approval of the Settlement on May 10, 2019. The Court held a
4 preliminary approval hearing on June 5, 2019 (ECF No. 167) and entered an order granting
5 preliminary approval on July 22, 2019 (ECF No. 171).

6 **III. PRELIMINARY APPROVAL OF THE SETTLEMENT**

7 16. On May 10, 2019, Plaintiffs filed their Motion for Preliminary Approval of Class
8 Action Settlement. ECF No. 155. The Court heard argument on the motion on June 5 (ECF No.
9 167) and issued an order granting preliminary approval on July 22, 2019. ECF No. 171.

10 17. In the order granting preliminary approval, the Court: (i) provisionally certified the
11 proposed Settlement Class; (ii) appointed Plaintiffs as Settlement Class Representatives; (iii)
12 appointed Girard Sharp and Chemicles as Settlement Class Counsel; and (iv) approved the
13 proposed class Notice plan, including appointing Kurtzman Carson Consultants LLC (“KCC”) to
14 serve as the Settlement Administrator. ECF No. 171.

15 **IV. CLASS NOTICE AND CLAIMS**

16 18. KCC provided notice to the Class in accordance with the Court’s preliminary
17 approval order. The Declaration of Orlando Castillejos, filed concurrently herewith, describes the
18 results of the notice and claims process to date.

19 19. In addition, pursuant to the Court’s preliminary approval order, Class Counsel
20 issued a press release via PR Newswire describing the Settlement. Several news outlets and
21 technology blogs have likewise reported on the Settlement.

22 20. Class Counsel designed the claim form in accordance with the Northern District’s
23 Procedural Guidance to allow for ease of use by Settlement Class Members, who may submit a
24 claim online or by mail.

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26
27 ² See UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, *Procedural*
28 *Guidelines for Class Action Settlements* (Dec. 5, 2018),
<https://www.cand.uscourts.gov/ClassActionSettlementGuidance>.

1 21. The Claims period closes October 7, 2019, after which Plaintiffs will submit a reply
2 brief updating the Court with the final number of claims, objections, and opt outs.

3 22. Pursuant to the Class Action Fairness Act, Defendant caused notice to issue to
4 Attorneys General across the United States and to the relevant federal officials. As of this filing,
5 the parties have not received any response to this notice.

6 23. As provided under the Settlement (§ 4.8), \$310,000 has been set aside from the
7 Settlement Fund to compensate and reimburse KCC for its services in effecting the Notice and
8 administering the claims process.

9 **V. ATTORNEYS' FEES, LITIGATION EXPENSES, AND SERVICE AWARDS**

10 24. Plaintiffs apply for an award of \$2,175,000 in attorneys' fees (30% of the
11 settlement fund), \$364,855.97 in litigation expenses, and payment of a \$5,000 service award to
12 each Settlement Class Representative.

13 25. Settlement Class Members were given notice of Plaintiffs' request for attorneys'
14 fees and litigation expenses in the Long Form Settlement Notice posted on the Settlement Website
15 (www.pixelsettlement.com), which states that Class Counsel will seek "attorneys' fees up to 30%
16 of the Settlement Fund, in addition to reimbursement of reasonable litigation expenses." ECF No.
17 155-8, Exhibit G. The Notice further states that Class Counsel "will ask the court to approve
18 service award payments of \$5,000 to each of the 4 individual class representatives." *Id.* This
19 declaration and supporting memorandum of law will be posted on the Settlement Website
20 concurrently with this filing and thus will be available for all class members to review more than a
21 month before the objection, opt-out, and claim filing deadline.

22 **A. Attorneys' Fees**

23 26. For the past year and a half, Class Counsel have devoted thousands of hours and
24 advanced significant out-of-pocket expenses to develop and pursue the claims against Google and
25 negotiate a favorable settlement for the Class. Class Counsel have at all times represented
26 Plaintiffs on a completely contingent basis. Litigation tasks that Class Counsel performed include:

27 a. Investigating the facts of this case and interviewing prospective class
28 members;

- 1 b. Preparing CLRA demand letters;
- 2 c. Preparing the complaints for relief;
- 3 d. Briefing and arguing a motion to dismiss;
- 4 e. Propounding and responding to written discovery requests;
- 5 f. Conferring with Google's counsel concerning discovery disputes;
- 6 g. Preparing motions to compel discovery and a motion for a protective order;
- 7 h. Reviewing and analyzing hundreds of thousands of pages of documents from
8 Google and ten subpoenaed non-parties;
- 9 i. Taking twelve depositions and defending six;
- 10 j. Retaining and working with an electrical engineering expert, Dr. Shahin
11 Nazarian, to assess the technical underpinnings of the alleged defect, and an economist, Stefan
12 Boedeker, to analyze class-wide damages;
- 13 k. Briefing the motion for class certification;
- 14 l. Preparing for and attending the settlement conference;
- 15 m. Negotiating and documenting the Settlement; and
- 16 n. Working with KCC to administer the Settlement and responding to class
17 member inquiries.

18 27. Since early 2018, Class Counsel advanced all necessary expenses for this action.
19 This representation precluded Class Counsel from working on various other matters.

20 28. Class Counsel's collective lodestar, based on the current usual and customary
21 hourly billing rates of professionals at each firm, is \$3,247,358.50, corresponding to 6,903.7 hours
22 billed. These rates are based on regular and ongoing monitoring of prevailing market rates in this
23 District for attorneys of comparable skill, experience, and qualifications, and have been previously
24 approved by courts in this District. *See, e.g., In re Lidoderm Antitrust Litig.*, No. 14-MD-02521-
25 WHO, 2018 U.S. Dist. LEXIS 162425, at *32-34 (N.D. Cal. Sept. 20, 2018) (Girard Sharp); *In re*
26 *Lenovo Adware Litig.*, No. 15-nd-02624-HSG, 2019 U.S. Dist. LEXIS 69797, at *35-36 (N.D.
27 Cal. Apr. 24, 2019) (Girard Sharp); *Rodman v. Safeway Inc.*, No. 3:11-cv-03003-JST, 2018 U.S.
28 Dist. LEXIS 143867, at *14-16 (N.D. Cal. Aug. 22, 2018) (Chimicles).

1 29. The lodestar for both firms is broken down by attorney, position, billing rate and
2 task in the charts attached hereto as **Exhibit A**. Consistent with the Procedural Guidance, detailed
3 and contemporaneously prepared time records supporting the information contained in **Exhibit A**
4 are available and will be submitted if requested by the Court. Before compiling the information
5 below, we each reviewed our respective firm's lodestar and expense information, and eliminated
6 any expense or time entry that, based upon our billing judgment, could be viewed as potentially
7 unnecessary or redundant.

8 30. The following summary chart shows Class Counsel's lodestar through August 23,
9 2019:

Firm	Hours	Lodestar
Chimicles Schwartz Kriner & Donaldson-Smith LLP	3,265.1	\$1,393,422.00
Girard Sharp LLP	3,638.6	\$1,853,936.50
TOTAL	6,903.7	\$3,247,358.50

15 31. Pursuant to court order, Class Counsel filed quarterly time and expense reports
16 detailing the hours worked and expenses incurred; those reports have been available for inspection
17 by the Court, opposing counsel, and the public. *See* ECF Nos. 46, 57, 88, 122, 146, 170.

18 32. Class Counsel are seeking an award of \$2,175,000 in attorneys' fees, which
19 represents 0.67 times their collective lodestar. In other words, the requested fee is a "negative
20 multiplier" on the lodestar to date. The current lodestar does not account for time Class Counsel
21 will spend after this filing to complete the attorneys' fee briefing, prepare for and attend the
22 Fairness Hearing, continue overseeing the claims process and communicating with class members,
23 and complete the post-distribution reporting called for under the Procedural Guidance.

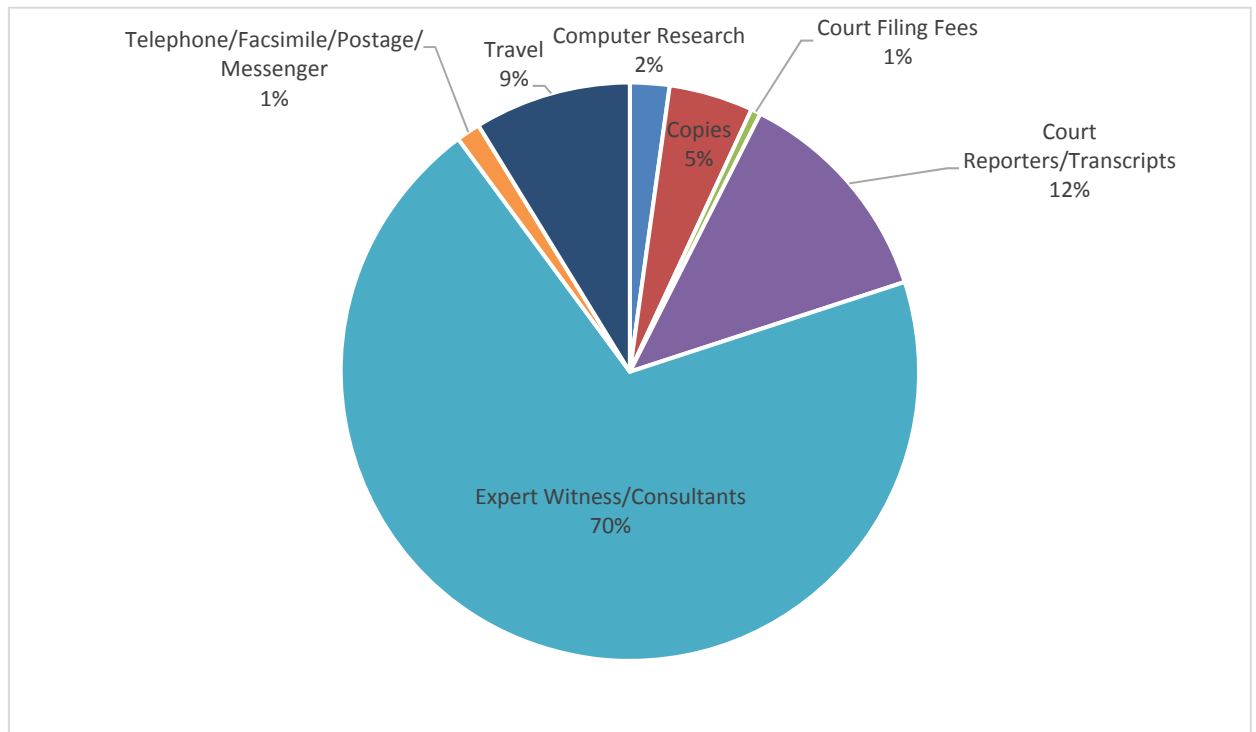
24 **B. Unreimbursed Costs and Litigation Expenses**

25 33. Class Counsel have incurred \$364,855.97 in expenses through August 30, 2019.
26 Class Counsel's current unreimbursed costs and expense are broken down in the charts attached
27 hereto as **Exhibit B**.

28 34. The following summary chart shows Class Counsel's expenses through August 30:

Firm	Expenses
Chimicles Schwartz Kriner & Donaldson-Smith LLP	\$ 216,684.21
Girard Sharp LLP	\$ 148,171.76
Total	\$ 364,855.97

35. The following chart illustrates the distribution of the unreimbursed expenses Class Counsel has incurred:



36. The costs and expenses summarized in the paragraphs above and itemized in **Exhibit B** were reasonably and necessarily incurred in furtherance of the prosecution of this case, were advanced by Class Counsel on behalf of Plaintiffs and the Settlement Class, and have not been reimbursed. They are reflected in the books and records of our respective firms, which are prepared from expense vouchers, check records, invoices, and other source materials, copies of which will be made available upon the Court’s request. Class Counsel will incur additional expense in connection with the final approval hearing and settlement administration. Class Counsel respectfully reserve the right to seek reimbursement for those expenses.

1 **C. Service Awards**

2 37. The four Settlement Class Representatives—Patricia Weeks, Alicia Helms, Brian
3 McCloy, and Adrian Alcaraz—have diligently served as Plaintiffs and have made significant
4 contributions that inured to the benefit of the Settlement Class.

5 38. In response to Google’s multiple sets of discovery requests, the Settlement Class
6 Representatives gathered and produced responsive documents and worked with Class Counsel to
7 provide written responses to Google’s interrogatories.

8 39. Each Settlement Class Representative prepared for and traveled to San Francisco
9 for a deposition.

10 40. The Settlement Class Representatives have also monitored the litigation through
11 frequent telephone calls, emails, and meetings with Class Counsel. The four representatives were
12 consulted throughout the settlement process and approved the terms of the Settlement before it
13 was finalized among counsel.

14 41. The work and efforts of the Settlement Class Representatives in furtherance of this
15 litigation are summarized in their respective declarations, attached hereto as **Exhibit C**.

16 42. Plaintiffs Weeks, Helms, McCloy, and Alcaraz each ably performed their class
17 representative duties for the benefit of the Settlement Class Members, and they did so without any
18 guarantee of compensation for their efforts and work on behalf of the Settlement Class. It is our
19 view that each of these four Settlement Class Representatives merits a service award of \$5,000 in
20 recognition of their contributions to the litigation and the benefits ultimately obtained for the class.
21 Without their willingness to step forward and represent similarly situated Pixel purchasers, the
22 results achieved under the Settlement would not have been possible.

23 43. If the requested attorneys’ fees, costs, service awards, and administrative costs are
24 deducted from the Settlement Fund, \$4.375 million would remain in the fund. Based on claims
25 activity to date, we anticipate that amount will be sufficient to provide all settlement groups with
26 the full payments provided for under the allocation plan.

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1 We declare under penalty of perjury under the laws of the United States that the foregoing
2 is true and correct. Executed this 30th day of August, 2019 at San Francisco, California and
3 Haverford, Pennsylvania, respectively.

4
5 /s/ Daniel C. Girard

6 Daniel C. Girard

7 /s/ Benjamin F. Johns

8 Benjamin F. Johns
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11 **ATTESTATION**

12 I, Daniel C. Girard, am the ECF User whose identification and password are being used to
13 file this Joint Declaration in Support of Plaintiffs' Motion for Final Approval of Class Action
14 Settlement and Award of Attorneys' Fees and Litigation Expenses pursuant to Civil L.R. 5-
15 1(i)(3). I hereby attest under penalty of perjury that Mr. Johns concurs in this filing.

16 /s/ Daniel C. Girard

17 Daniel C. Girard
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EXHIBIT A

Weeks, et al. v. Google LLC
 FIRM NAME: GIRARD SHARP LLP
 LODESTAR CHART
 INCEPTION - August 23, 2019

Name	Title	Hours By Category of Work														Total Hours	Hourly Rate	Lodestar
		1	2	3	4	5	6	7	8	9	10	11	12	13	14			
Girard, Daniel	P	6.20	16.60	9.80	16.70		12.30	18.30	1.30	0.90	0.90			59.20	16.80	159.00	\$950.00	\$151,050.00
Sharp, Dena	P				3.90		3.90	0.30						0.20	1.40	9.70	\$710.00	\$6,887.00
Elias, Jordan	P	15.20	5.10	12.00	54.40		52.10	9.40	3.10	27.40	2.10			29.10	38.80	248.70	\$700.00	\$174,090.00
Polk, Adam	A	60.00	92.20	18.30	46.40		27.20	66.70	27.90	132.10	29.30			56.10	73.60	629.80	\$600.00	\$377,880.00
Kramer, Elizabeth	A						1.70							0.20		1.90	\$540.00	\$1,026.00
Tan, Trevor	A	16.60	26.40	98.70	78.90		137.30	7.20							14.30	379.40	\$510.00	\$193,494.00
Grille, Simon	A	106.30	105.50	0.70	57.90		183.90	284.90	38.70	175.80	106.70			295.30	51.40	1407.10	\$500.00	\$703,550.00
Watts, Tom	A	10.50							0.10							10.60	\$400.00	\$4,240.00
Goehring, Mani	A						0.10	2.50	67.20	72.00				2.10		143.90	\$400.00	\$57,560.00
Jenks, Emily	A							2.00	24.00	131.50						157.50	\$400.00	\$63,000.00
Shao, Peng	A						1.30	1.50								2.80	\$385.00	\$1,078.00
Phillips, Alynia	A	76.70					18.70	3.00	5.30						0.60	104.30	\$390.00	\$40,677.00
Adamson, Rachel	LC	8.50														8.50	\$225.00	\$1,912.50
von Goetz, Anne		2.30	1.40	1.30	8.60		30.40	6.50	4.20	1.90				3.10	0.60	60.30	\$140.00	\$8,442.00
Attar, Natalie	LA	21.20	1.00	1.00	1.20		1.40	1.50	145.80	15.00				53.00	0.10	241.20	\$225.00	\$54,270.00
Cook, Jessica	LA									4.50				9.60		14.10	\$200.00	\$2,820.00
Joya, Ferdous	LA	40.5	0.4	0.70	0.50		1.30	1.80	2.80		0.20			5.40		53.60	\$200.00	\$10,720.00
Lander, Jessica	LA						5.00		1.20							6.20	\$200.00	\$1,240.00
TOTAL		364.00	248.60	142.50	268.50		476.60	405.60	321.60	561.10	139.20			513.30	197.60	3638.60		\$1,853,936.50

Titles:

P	Partner
OC	Of Counsel
A	Associate
LC	Law Clerk
PL	Paralegal

Time Categories:

1.	Pre-Complaint Investigation/Prep/Class Member Intakes	8.	Factual Analysis/Document Review
2.	Court Hearings/Conferences//Pretrial Stipulations	9.	Depositions and Related Preparation
3.	MTD Briefing/Research	10.	Experts/Expert Discovery/Daubert
4.	Class Cert Briefing/Research	11.	Trial/Trial Preparation
5.	SJ Briefing/Research	12.	Appeals
6.	Other Motion Practice/Research	13.	Settlement/Settlement Administration/Notice
7.	Discovery Requests/Responses/Meet & Confer	14.	Litigation Strategy and Analysis

Weeks, et al. v. Google LLC
FIRM NAME: CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP
LODESTAR REPORT
INCEPTION -AUGUST 23, 2019

NAME	STATUS*	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTAL HOURS	CURRENT HOURLY RATE	CUMULATIVE LODESTAR
Johns, Benja	P	42.30	22.60	72.10	30.90	2.20	5.60	63.80	62.40	106.50	16.20			155.60	131.60	711.80	\$675.00	\$480,465.00
Gushue, Ali	A													5.00		5.00	\$535.00	\$2,675.00
McDonald,	A	0.20	5.30		12.50		0.50	125.40	73.80	300.70	64.40	1.20		86.10	8.10	678.20	\$500.00	\$339,100.00
DeSanto, M	A				5.20											5.20	\$475.00	\$2,470.00
Ferich, And	A	57.60	4.60	12.90	34.90	1.50	16.10	70.60	15.70	50.10	6.40			25.00	16.90	312.30	\$475.00	\$148,342.50
Holbrook, S	A														19.10	19.10	\$475.00	\$9,072.50
Kashurba, A	A		4.90		29.20		9.90	68.50	4.10	23.40				64.80	1.20	206.00	\$425.00	\$87,550.00
Heller, Russ	FA							17.70								17.70	\$400.00	\$7,080.00
Titler, Jessi	FA	14.40	2.30	16.90	0.20	10.70	6.70	32.10	8.00	0.50	10.90			13.10	2.30	118.10	\$400.00	\$47,240.00
Beatty, Zach	A	20.20	0.30	10.10	24.00	8.50	1.30	21.70	45.50					0.80	2.80	135.20	\$350.00	\$47,320.00
Birch, David	IT	3.40							38.2					0.7		42.30	\$250.00	\$10,575.00
Forrester, M	DR								360.70							360.70	\$250.00	\$90,175.00
Jauregui, Ta	DR								133.70							133.70	\$250.00	\$33,425.00
Mastraghin,	PL	1.10					0.30								0.20	1.60	\$250.00	\$400.00
Boyer, Justi	PL	89.50	3.70	2.50	1.50	0.10	2.40	5.80	0.40	11.30	20.00			61.10	14.60	212.90	\$175.00	\$37,257.50
Landry, Ma	PL							3.80	138.90	148.10	2.00			10.00		302.80	\$165.00	\$49,962.00
Meyer, Harri	LC														2.50	2.50	\$125.00	\$312.50
TOTALS		228.70	43.70	114.50	138.40	23.00	42.80	409.40	881.40	640.60	119.90	1.20	0.00	422.20	199.30	3265.10		\$1,393,422.00

P = Partner

A = Associate

FA = Former Associate

PL = Paralegal

IT = Information Tech

LC = Law Clerk

FLC = Former Law Clerk

Time Categories:

- | | |
|--|---|
| 1. Pre-Complaint Investigation/Prep/Class Member Intakes | 8. Factual Analysis/Document Review |
| 2. Court Hearings/Conferences//Pretrial Stipulations | 9. Depositions and Related Preparation |
| 3. MTD Briefing/Research | 10. Experts/Expert Discovery/Daubert |
| 4. Class Cert Briefing/Research | 11. Trial/Trial Preparation |
| 5. SJ Briefing/Research | 12. Appeals |
| 6. Other Motion Practice/Research | 13. Settlement/Settlement Administration/Notice |
| 7. Discovery Requests/Responses/Meet & Confer | 14. Litigation Strategy and Analysis |

EXHIBIT B

Weeks, et al. v. Google LLC
Case No. 5:18-cv-00801-NC
Firm Name: Girard Sharp LLP
Date: Inception - August 30, 2019

Category Name	Total Expenses per Category
Court/Filing Fees	\$ 400.00
Professional Fees (e.g., experts, consultants, etc.)	\$ 110,945.54
Air Transportation	\$ 1,850.18
Ground Transportation	\$ 4,553.05
Meals	\$ 2,105.25
Lodging	\$ 1,716.59
Telephone/Facsimile	\$ 194.53
Postage/Express Delivery/Messenger	\$ 2,246.48
Court Reports/Transcripts	\$ 7,787.51
Witness/Service Fees	\$ 1,282.35
Internal Reproduction/Copies	\$ 7,722.00
Computer Research (e.g Westlaw)	\$ 5,704.55
Miscellaneous (Case Point)	\$ 1,663.73
Total	\$ 148,171.76

Weeks, et al. v. Google LLC	
EXPENSE CHART	
FIRM NAME: CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP	
REPORTING PERIOD: Inception to August 30, 2019	
DESCRIPTION	TOTAL EXPENSES
Expert Fees/Services	\$140,209.16
Court Reporters/Transcripts	\$37,680.34
Travel (Air & Ground Transportation, Meals, Lodging, etc.)	\$21,641.50
Reproduction/Duplication/Copies	\$9,365.25
Computer Research	\$2,309.03
Court Fees	\$1,575.00
Professional Fees/Services (case investigation, press release, etc.)	\$1,481.68
Express Delivery/Messenger	\$1,481.49
Service of Process	\$874.10
Telephone/Fax/Postage	\$66.66
TOTAL	\$216,684.21

EXHIBIT C

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 5:18-cv-00801-NC

PATRICIA WEEKS, ALICIA HELMS,
BRIAN MCCLOY, and ADRIAN
ALCARAZ, on behalf of themselves and all
others similarly situated,

**DECLARATION OF ALICIA HELMS
IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES,
COSTS, AND SERVICE AWARDS**

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

DECLARATION OF ALICIA HELMS

I, Alicia Helms, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Named Plaintiff in the above entitled matter, *Weeks v. Google LLC*, Case No. 5:18-cv-00801-NC. I have personal knowledge of the information set forth herein and, if called upon, am competent to testify to the content of this declaration.

2. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards.

3. I purchased a Pixel phone in North Carolina from the online Google Store for \$649 on February 14, 2017. Before making my purchase, I saw Google advertising promoting the Google Assistant as being responsive to the voice prompt “Ok Google” and performing other tasks in response to voice prompts. I was never informed prior to purchase or during set-up that

1 the Pixel microphone is prone to failure. Yet after a few weeks of normal use, callers on the other
2 end of the line could not hear me and Google Assistant would not respond to my voice prompts. I
3 contacted Google about the problem on May 10, 2017. After an unsuccessful troubleshooting
4 attempt, the Google representative offered to send me a refurbished replacement Pixel. Soon
5 thereafter, that replacement began to exhibit the same defect – people on the other end of the line
6 could not hear me and I could not voice activate Google Assistant. I called Google to request
7 assistance, but they only offered another round of ineffective troubleshooting and did not offer an
8 effective repair, replacement with a non-defective Pixel, or refund. Had I known that the Pixel
9 was defective, I would not have bought a Pixel, especially not at the price I did, or I would have
10 returned my Pixel for a refund during Google’s 15-day remorse period.

11 4. I kept my failed Pixel for the purposes of this lawsuit.

12 5. I have been informed of the responsibilities of a class representative. I understand
13 these responsibilities and am willing and prepared to put the interest of the class before my own.
14 Throughout this case, I believe that I have served as an adequate class representative.

15 6. I worked with my attorneys to prepare the Amended Complaint, which was filed
16 on April 11, 2018. I reviewed and approved a draft of this complaint before it was filed with the
17 Court, and have been closely involved and continuously attentive to this litigation since then.

18 7. Prior to the filing of the Amended Complaint, I was interviewed by counsel several
19 times and searched for emails and other documents regarding my purchase and the problems with
20 my Pixel phones.

21 8. Once the Amended Complaint was filed, I continued to stay in contact with Class
22 Counsel regarding developments in the litigation. Over the past year, I have had numerous
23 telephone calls and email exchanges with Class Counsel. I have worked with my attorneys to
24 discuss the facts of this case, frame the issues, and to assist them in preparing for mediation,
25 opposing Google’s motion to dismiss, moving for class certification, and in every other aspect
26 they needed.

27 9. I have also worked with my counsel to prepare discovery responses, including
28 responses to multiple requests for production and interrogatories, and a request for admission.

1 10. I traveled from my home in Youngsville, North Carolina to San Francisco to sit for
2 a five-hour deposition on November 20, 2018. I prepped for the deposition with my attorneys
3 before it took place.

4 11. I also made myself available to participate by telephone in the Settlement
5 Conference held on February 22, 2019. I was prepared to appear at trial, if necessary.

6 12. I brought this case because I felt that Google’s business practices were unfair. I
7 believe I overpaid for my Pixel because I was only able to use it for a limited period of time
8 before it began exhibiting the audio failures, which prevented me from using the phone for its
9 intended purpose. In addition, when I sought help from Google, I was only offered ineffectual
10 troubleshooting or, at best, a replacement Pixel with the same defect. I am very pleased with the
11 settlement we were able to achieve for the Class. It puts money in the pockets of consumers who
12 were affected by the same issues that impacted me.

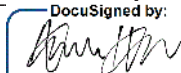
13 13. I have reviewed the complaints, settlement agreement and other related materials,
14 and discussed their contents with my attorneys. I believe the settlement represents an outstanding
15 result for the class and is fair and reasonable, considering the potential risks of going forward with
16 this litigation, particularly in light of Google’s potential defenses. My attorneys advised me of the
17 risks of not having class certification approved, the risk of not prevailing at trial, and the delay
18 associated with a possible appeal. Given these considerations, I strongly believe that the
19 settlement is fair and reasonable.

20 14. In sum, I have spent considerable time and attention working on this case, always
21 with the best interests of the class in mind. I am therefore respectfully asking the Court to approve
22 a service award of \$5,000 for myself. I understand that my attorneys took this case on a
23 contingency basis, and neither they nor I have received any compensation from anyone for the
24 work devoted to this matter.

25 I declare under penalty of perjury, under the laws of North Carolina and the United States,
26 that the foregoing is true and correct to the best of my personal knowledge.

27 Executed August 26, 2019 in Raleigh, NC

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DocuSigned by:

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ALICIA HELMS

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 5:18-cv-00801-NC

PATRICIA WEEKS, ALICIA HELMS,
BRIAN MCCLOY, and ADRIAN
ALCARAZ, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

**DECLARATION OF ADRIAN
ALCARAZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

DECLARATION OF ADRIAN ALCARAZ

I, Adrian Alcaraz, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Named Plaintiff in the above entitled matter, *Weeks v. Google LLC*, Case No. 5:18-cv-00801-NC. I have personal knowledge of the information set forth herein and, if called upon, am competent to testify to the content of this declaration.

2. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

3. I purchased a Pixel XL in California from Verizon's online store for \$869.99 on or around December 19, 2016. I received my Pixel XL in February of 2017. I researched both the Pixel and the Pixel XL before making this purchase. In my research, I saw numerous ads in which Google made representations about the Pixel's high quality and functionality, including ads

1 comparing Google Assistant favorably to Apple's Siri. Before I used my Pixel XL, Google
2 provided information about the Google Assistant during set-up and on its external packaging.
3 There was no disclosure made about the Pixel's propensity to fail. After just one week of normal
4 usage, my Pixel XL began to malfunction. I could not get the phone to respond to voice
5 commands and discovered that callers on the other end of the line could not hear what I was
6 saying. Google Assistant was also inoperable. After an ineffective troubleshooting session with
7 Verizon, I contacted Google in late February of 2017 to report the audio failures and request
8 assistance. The Google representative tried to troubleshoot the problem to no avail. During our
9 call, the Google representative acknowledged that the phone was defective and said that I would
10 receive a refurbished Pixel XL as a replacement. I received this replacement around March 1,
11 2017. Two weeks later, the replacement Pixel XL began to malfunction, too. I called Google,
12 which again provided ineffectual troubleshooting and ultimately approved sending me a second
13 refurbished replacement Pixel XL. This third Pixel XL was shipped to me on around March 17,
14 2017. Shortly after I received the phone, its speaker and microphones again failed. Had Google
15 disclosed that the Pixel is defective prior to my purchase, I would not have bought the Pixel XL at
16 the price I did or I would have returned my Pixel XL for a refund during Verizon's 14-day
17 remorse period.

18 4. I kept my third failed Pixel for the purposes of this lawsuit.

19 5. I have been informed of the responsibilities of a class representative. I understand
20 these responsibilities and am willing and prepared to put the interest of the class before my own.
21 Throughout this case, I believe that I have served as an adequate class representative.

22 6. I worked with my attorneys to file the Second Amended Complaint on September
23 24, 2018. I reviewed and approved a draft of this complaint before it was filed with the Court,
24 and have been closely involved and continuously attentive to this litigation since then.

25 7. Prior to the filing of the Second Amended Complaint, I was interviewed by
26 counsel several times and searched for emails and other documents regarding my purchase and
27 the problems with my Pixel phone.

28 8. After the Second Amended Complaint was filed, I continued to stay in contact
with Class Counsel regarding developments in the litigation. Over the past year, I have had

1 numerous telephone calls and email exchanges with Class Counsel. I have worked with my
2 attorneys to discuss the facts of this case, frame the issues, and to assist them in preparing for
3 mediation, opposing Google's motion to dismiss, moving for class certification, and in every
4 other aspect they needed.

5 9. I have also worked with my counsel to prepare discovery responses, including
6 responses to multiple requests for production and interrogatories, and a request for admission.

7 10. I traveled from my home in West Covina, California to San Francisco to sit for a
8 deposition on December 10, 2018. The deposition lasted six hours. I also spent time preparing for
9 the deposition with my attorneys before it took place.

10 11. I made myself available to participate by telephone in the Settlement Conference
11 held on February 22, 2019. I was prepared to appear at trial, if necessary.

12 12. I brought this case because I felt that Google's business practices were unfair. I
13 believe I overpaid for my Pixel because I was only able to use it for a limited period of time
14 before it began exhibiting the audio failures, which prevented me from using the phone for its
15 intended purpose. In addition, when I sought help from Google, I was only provided with
16 ineffective troubleshooting assistance or with equally defective replacement phones. I am very
17 pleased with the settlement we were able to achieve for the Class. It puts money in the pockets of
18 consumers who were affected by the same issues that impacted me.

19 13. I have reviewed the complaint, settlement agreement and other related materials,
20 and discussed their contents with my attorneys. I believe the settlement represents an outstanding
21 result for the class and is fair and reasonable, considering the potential risks of going forward with
22 this litigation, particularly in light of Google's potential defenses. My attorneys advised me of the
23 risks of not having class certification approved, the risk of not prevailing at trial, and the delay
24 associated with a possible appeal. Given these considerations, I strongly believe that the
25 settlement is fair and reasonable.

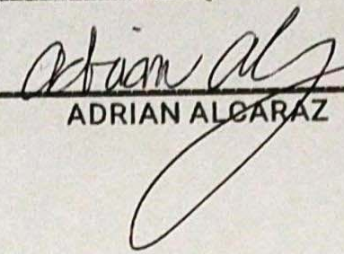
26 14. In sum, I have spent considerable time and attention working on this case, always
27 with the best interests of the class in mind. I am therefore respectfully asking the Court to approve
28 a service award of \$5,000 for myself. I understand that my attorneys took this case on a

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contingency basis, and neither they nor I have received any compensation from anyone for the work devoted to this matter.

I declare under penalty of perjury, under the laws of California and the United States, that the foregoing is true and correct to the best of my personal knowledge.

Executed August 27, 2019 in Glendora, California.



ADRIAN ALCARAZ

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 5:18-cv-00801-NC

PATRICIA WEEKS, ALICIA HELMS,
BRIAN MCCLOY, and ADRIAN
ALCARAZ, on behalf of themselves and all
others similarly situated,

**DECLARATION OF BRIAN MCCLOY
IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES,
COSTS, AND SERVICE AWARDS**

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

DECLARATION OF BRIAN MCCLOY

I, Brian McCloy, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Named Plaintiff in the above entitled matter, *Weeks v. Google LLC*, Case No. 5:18-cv-00801-NC. I have personal knowledge of the information set forth herein and, if called upon, am competent to testify to the content of this declaration.

2. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards.

3. I purchased a Pixel from a Verizon Store in Columbus, Ohio for \$649 on November 25, 2016. In researching the phone prior to making my purchase, I encountered Google ads depicting and promoting the Google Assistant’s features. During the set-up process, Google provided further information about the Google Assistant. The external packaging also featured the

1 Google Assistant. I was never made aware that the microphone that enables use of the Google
2 Assistant was prone to failure. In November of 2017, while in Chicago, the microphone on my
3 Pixel became unusable, preventing me from placing and receiving voice calls or using other
4 functions. My Pixel had only been put towards normal, ordinary use before it began exhibiting
5 this failure. On November 22, 2017, I contacted Google Support about the audio failures. After an
6 unsuccessful troubleshooting attempt, Google agreed to send me a refurbished replacement Pixel.
7 However, after only a few days of ordinary use, the microphone on the refurbished Pixel failed in
8 the same way that it did on my first Pixel. On December 6, 2017, I again contacted Google
9 Support and reported the audio failures. After yet another round of fruitless troubleshooting, the
10 Google representative told me that the problem was hardware-related, and offered to send another
11 replacement Pixel. I was told that this next refurbished Pixel would go through additional quality
12 assurance testing to ensure that it worked properly. After a few days of normal use, the second
13 replacement Pixel also experienced audio failures. In May of 2018, I made an insurance claim
14 through Asurion at my local Verizon store on the second refurbished Pixel. As a result of my
15 insurance claim, I received a third replacement Pixel. Within a few months after receiving the
16 third refurbished replacement, I once again experienced audio failures. Other people could not
17 hear me on the other end of the line and I could not use Google Assistant. Had Google disclosed
18 this defect to me before I bought my Pixel, I would not have bought a Pixel at the price that I did,
19 or I would have returned my Pixel during Verizon's 14-day remorse period.

20 4. I kept my third failed Pixel for the purposes of this lawsuit.

21 5. I have been informed of the responsibilities of a class representative. I understand
22 these responsibilities and am willing and prepared to put the interest of the class before my own.
23 Throughout this case, I believe that I have served as an adequate class representative.

24 6. I worked with my attorneys to file the Amended Complaint on April 11, 2018. I
25 reviewed and approved a draft of this complaint before it was filed with the Court, and have been
26 closely involved and continuously attentive to this litigation since then.

27 7. Prior to the filing of the Amended Complaint, I was interviewed by counsel several
28 times and searched for emails and other documents regarding my purchase and the problems with
my Pixel phones.

1 8. Once the Amended Complaint was filed, I continued to stay in contact with Class
2 Counsel regarding developments in the litigation. Over the past year, I have had numerous
3 telephone calls and email exchanges with Class Counsel. I have worked with my attorneys to
4 discuss the facts of this case, frame the issues, and to assist them in preparing for mediation,
5 opposing Google's motion to dismiss, moving for class certification, and in every other aspect
6 they needed.

7 9. I have also worked with my counsel to prepare discovery responses, including
8 responses to multiple requests for production and interrogatories, and a request for admissions.

9 10. I traveled from my home in Chicago to San Francisco to sit for a seven-hour
10 deposition on December 17, 2018. I spent time preparing for the deposition with my attorneys
11 before it took place.

12 11. I also made myself available to participate by telephone in the Settlement
13 Conference held on February 22, 2019. I was prepared to appear at trial, if necessary.

14 12. I brought this case because I felt that Google's business practices were unfair. I
15 believe I overpaid for my Pixel because I was only able to use it for a limited period of time
16 before it began exhibiting the audio failures, which prevented me from using the phone for its
17 intended purpose. In addition, when I sought help from Google, I was only offered ineffectual
18 troubleshooting and similarly defective replacement phones. I am very pleased with the settlement
19 we were able to achieve for the Class. It puts money in the pockets of consumers who were
20 affected by the same issues that impacted me.

21 13. I have reviewed the complaints, settlement agreement and other related materials,
22 and discussed their contents with my attorneys. I believe the settlement represents an outstanding
23 result for the class and is fair and reasonable, considering the potential risks of going forward with
24 this litigation, particularly in light of Google's potential defenses. My attorneys advised me of the
25 risks of not having class certification approved, the risk of not prevailing at trial, and the delay
26 associated with a possible appeal. Given these considerations, I strongly believe that the
27 settlement is fair and reasonable.

28 14. In sum, I have spent considerable time and attention working on this case, always
with the best interests of the class in mind. I am therefore respectfully asking the Court to approve

1 a service award of \$5,000 for myself. I understand that my attorneys took this case on a
2 contingency basis, and neither they nor I have received any compensation from anyone for the
3 work devoted to this matter.

4 I declare under penalty of perjury, under the laws of Illinois and the United States, that the
5 foregoing is true and correct to the best of my personal knowledge.

6 Executed August 25, 2019 in Chicago, IL.

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9 BRIAN MCCLOY

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 5:18-cv-00801-NC

PATRICIA WEEKS, ALICIA HELMS,
BRIAN MCCLOY, and ADRIAN
ALCARAZ, on behalf of themselves and all
others similarly situated,

**DECLARATION OF PATRICIA
WEEKS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

DECLARATION OF PATRICIA WEEKS

I, Patricia Weeks, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Named Plaintiff in the above entitled matter, *Weeks v. Google LLC*, Case No. 5:18-cv-00801-NC. I have personal knowledge of the information set forth herein and, if called upon, am competent to testify to the content of this declaration.

2. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

3. I purchased a Pixel in Florida from Google's online store for \$749 on December 2, 2016. While doing pre-purchase research about the phone, I saw Google's representations about the Pixel's high quality and functionality and its Google Assistant feature, which was favorably compared to Apple's interactive personal assistant Siri. Google also provided information about

1 the Google Assistant after I made my purchase but before I started using the phone, through its
2 set-up process and external packaging. After only a few weeks of normal use, however, my Pixel
3 began to malfunction. I found I could no longer use the Google Assistant feature, and soon
4 thereafter discovered that callers on the other end of the line could not hear me. I contacted
5 Google on March 2, 2017 to report the audio failures and request assistance. The Google
6 representative attempted to troubleshoot the problem, but was unable to fix the phone. The
7 Google representative admitted to me that the phone was defective and that Google was aware of
8 the microphone problems. I asked Google for my money back or for a new, non-defective
9 replacement. Google refused. As a result of the audio defect and Google's failure to provide an
10 adequate remedy, I no longer use my Pixel and instead use a replacement Motorola phone. I did
11 not know that the Pixel was defective when I bought it and had this defect been disclosed to me, I
12 would not have bought a Pixel at the price that I did, or I would have returned my Pixel for a
13 refund during Google's 15-day remorse period.

14 4. I kept my failed Pixel for the purposes of this lawsuit.

15 5. I have been informed of the responsibilities of a class representative. I understand
16 these responsibilities and am willing and prepared to put the interest of the class before my own.
17 Throughout this case, I believe that I have served as an adequate class representative.

18 6. I have been involved in this litigation since its inception. I worked with my
19 attorneys to file the initial Complaint on February 6, 2018. I reviewed and approved a draft of
20 this complaint before it was filed with the Court, and have been closely involved and
21 continuously attentive to this litigation since then.

22 7. I helped Class Counsel with the investigation, including by being interviewed by
23 counsel several times and searching for emails and other documents regarding my purchase and
24 the problems with my Pixel phone.

25 8. Once the lawsuit was filed, I continued to stay in contact with Class Counsel
26 regarding developments in the litigation. Over the past year and a half, I have had numerous
27 telephone calls and email exchanges with Class Counsel. I have worked with my attorneys to
28 discuss the facts of this case, frame the issues, and to assist them in preparing for mediation, filing

1 an Amended and then Second Amended Complaint, opposing Google's motion to dismiss,
2 moving for class certification, and in every other aspect they needed.

3 9. I have also worked with my counsel to prepare discovery responses, including
4 responses to multiple requests for production and interrogatories.

5 10. I traveled from my home in Kenneth City, Florida to San Francisco to sit for a
6 five-hour deposition on January 9, 2019. I spent several hours preparing for the deposition with
7 my attorneys before it took place.

8 11. I also made myself available to participate by telephone in the Settlement
9 Conference held on February 22, 2019. I was prepared to appear at trial, if necessary.

10 12. I brought this case because I felt that Google's business practices were unfair. I
11 believe I overpaid for my Pixel because I was only able to use it for a limited period of time
12 before it began exhibiting the audio failures, which prevented me from using the phone for its
13 intended purpose. In addition, when I sought help from Google to remedy the problem, I was
14 denied adequate warranty service. I am very pleased with the settlement we were able to achieve
15 for the Class. It puts money in the pockets of consumers who were affected by the same issues
16 that impacted me.


17 13. I have reviewed the complaints, settlement agreement and other related materials,
18 and discussed their contents with my attorneys. I believe the settlement represents an outstanding
19 result for the class and is fair and reasonable, considering the potential risks of going forward with
20 this litigation, particularly in light of Google's potential defenses. My attorneys advised me of the
21 risks of not having class certification approved, the risk of not prevailing at trial, and the delay
22 associated with a possible appeal. Given these considerations, I strongly believe that the
23 settlement is fair and reasonable.

24 14. In sum, I have spent considerable time and attention working on this case, always
25 with the best interests of the class in mind. I am therefore respectfully asking the Court to approve
26 a service award of \$5,000 for myself. I understand that my attorneys took this case on a
27 contingency basis, and neither they nor I have received any compensation from anyone for the
28 work devoted to this matter.

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I declare under penalty of perjury, under the laws of Florida and the United States, that the foregoing is true and correct to the best of my personal knowledge.

Executed August 26, 2019 in Kenneth City, FL.

DocuSigned by:

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PATRICIA WEEKS