

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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

**DECLARATION OF ORLANDO
CASTILLEJOS ON BEHALF OF
SETTLEMENT
ADMINISTRATOR REGARDING
NOTICE**

**DECLARATION OF ORLANDO CASTILLEJOS ON BEHALF OF SETTLEMENT
ADMINISTRATOR REGARDING NOTICE**

I, Orlando Castillejos, declare:

1. I am employed as a senior project manager by Kurtzman Carson Consultants (“KCC”), a nationally-recognized notice and claims administration firm located at 462 South 4th Street, Louisville, KY 40202. KCC was retained as the Settlement Administrator in this case, and as the project manager, I oversee all aspects of the administrative services provided. I submit this declaration regarding the *Weeks v. Google LLC* Notice Program. I have personal knowledge of the information contained in this declaration, and if called upon as a witness could and would testify competently thereto.

2. On May 20, 2019, in compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, KCC mailed via United States Postal Service Priority Mail a cover letter to the U.S. Attorneys General and the Attorney Generals for all 50 states and territories along with a CD-ROM containing the following documents: *Class Action Complaint, Amended Class Action Complaint, CLRA Venue Declaration of Plaintiff Patricia*

Weeks Pursuant to California Civil Code Section 1780(d), CLRA Venue Declaration of Plaintiff Roberto Suarez Pursuant to California Civil Code Section 1780(d), CLRA Venue Declaration of Plaintiff Alecia Helms Pursuant to California Civil Code Section 1780(d), Affidavit of Plaintiff Brian McCloy Re CLRA Venue, Notice of Voluntary Dismissal of Claims Brought by Roberto Suarez without Prejudice Pursuant to FRCP, Defendant Google LLC's Motion to Dismiss First Amended Complaint, Order Granting in Part and Denying in Part Motion to Dismiss and Granting Leave to Amend, Proposed Order Granting Google LLC's Motion to Dismiss Plaintiff's First Amended Complaint, Request for Judicial Notice, Declaration of Mara Boundy in Support of Google's Request for Judicial Notice, (Proposed) Order Granting Google's Request for Judicial Notice, Plaintiffs' Opposition to Google LLC's Motion to Dismiss Amended Class Action Complaint, Defendant Google LLC's Reply Brief in Support of Its Motion to Dismiss First Amended Complaint , Second Amended Class Action Complaint, CLRA Venue Declaration of Plaintiff Alicia Helms Pursuant to California Civil Code Section 1780(d), CLRA Venue Declaration of Plaintiff Brian McCloy Pursuant to California Civil Code Section 1780(d) and Google LLC's Answer to Plaintiffs' Second Amended Class Action Complaint, Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, and Memorandum of Points and Authorities in Support Thereof, [Proposed] Order Granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement and Providing Notice, (Redacted) Joint Declaration of Daniel C. Girard and Benjamin F. John in support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement, Declaration of Richard Dubois in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Declaration of Carla Peak on Settlement Notice Plan, KCC Analogous Settlements, Girard Sharp Firm Resume, Chimicles Firm

Resume, Claim Form, Long Form Notice, Email Notice, Postcard Notice, Settlement Agreement, Supplemental Settlement Agreement, and [Proposed] Final Order and Judgment.

3. As of the date of this declaration, KCC has not received any response to the Settlement from the U.S. Attorneys General, the Attorney Generals from all 50 states or territories.

4. On July 23, 2019, Class Counsel provided KCC a spreadsheet of Verizon sales data that contained the names and, if available, mailing addresses, and email addresses of 984,594 Settlement Class Members. On July 31, Defendant provided KCC spreadsheets that contained the names, mailing addresses, and email addresses of 227,048 Settlement Class Members. KCC reviewed the data and processed the names and addresses through the United States Postal Service (“USPS”) National Change of Address database. KCC identified and removed 83,109 records with no valid physical address and no email address and 31,984 duplicate records. KCC also removed 494,669 records that, based on Defendant’s records, corresponded with Pixels manufactured after January 3, 2017 or refurbished after June 5, 2017. There remained a total of 601,880 records with either an email address or a postal address that could be sent notice.

5. KCC identified 68,846 records which contained only a valid physical address.

6. On August 6, KCC established a website for this settlement at www.PixelSettlement.com. On the website, visitors can view answers to frequently asked questions, download important case documents including the Settlement Agreement, Preliminary Approval Order, Plan of Allocation For Net Settlement Fund, Joint Declaration in Support of Motion For Preliminary Approval, Motion For Preliminary Approval of Class Action Settlement, Second Amended Complaint, Long Form Notice, and Opt-out Form. Visitors can also submit

Claim Forms and Opt-out Forms online. The website address is included on all forms of Notice provided to Settlement Class Members.

7. On August 8, KCC established a toll free telephone number, 855-879-3971, that Class Members could call and listen to answers to Frequently Asked Questions or request a Claim Form be sent to them.

8. On August 8, KCC sent the Email Notice to 447,669 Class Members. On August 12, KCC sent the Email Notice to an additional 85,365 Class Members. A true and correct copy of the Email Notice is attached hereto as **Exhibit A**.

9. On August 13, KCC mailed a single sided postcard to 68,846 Class Members whose physical address was available. A true and correct copy of the single sided postcard is attached as **Exhibit B**.

10. To date, 23,933 unique Class Members had undeliverable email addresses. KCC mailed a postcard to 23,920 Class Members whose Email Notice was returned as undeliverable and who had a valid physical address.

11. At least 75% of the Settlement Class has been contacted via the direct Email Notice and Supplemental Postcard Notice.

12. To date, KCC has received a total of 0 Notice Packets returned by the U.S. Postal Service.

13. The deadline to submit a request for exclusion (“opt-out”) is October 7, 2019. To date, KCC has received 119 timely opt-outs. The opt-outs received need to be reviewed and validated before the Exclusion List is complete.

14. The deadline to submit an objection to the settlement is October 7. To date, KCC has received 0 objections.


15. The deadline to submit a Claim Form is October 7. To date, KCC has received 31,930 timely Claims. The number of claims in Group 1 is 18,392, Group 2 is 2,185, Group 3 is 349 and Group 4 is 13,023.

16. All claims are subject to review and audit. Class members who submit claim forms that do not meet the submission requirements will receive notice and an opportunity to cure deficiencies.

17. As of August 29, KCC has incurred \$11,205 in expenses associated with identifying and notifying class members and administering the Settlement Fund. KCC is on track to complete claims administration within the budget provided to the Court at preliminary approval. KCC will notify counsel and, upon request, prepare a declaration for the Court, if there is a change in the agreed to scope of the work that will cause claims administration expenses to exceed the budget.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 30, 2019.

A handwritten signature in black ink that reads "Orlando Castillejos". The signature is written in a cursive style with a large initial "O" and a long horizontal line extending from the end of the name.

Orlando Castillejos

EXHIBIT A

Claim ID: <<claim8>>

PIN Code: <<PIN>>

You are receiving this email because records show that you may have purchased a first generation Pixel or Pixel XL smartphone manufactured before January 4, 2017, and did not receive a replacement Pixel manufactured after January 3, 2017 or refurbished after June 5, 2017. If so, you may be eligible to receive money from a class action settlement. You can file a claim to collect your recovery in just a few minutes.

To file a claim click here: [\[HYPERLINK\]](#).

A federal court approved this notice to inform you that a proposed Settlement has been reached in *Weeks v. Google LLC*, Case No. 5:18-cv-00801-NC (N.D. Cal.), a class action lawsuit brought against Google. The case concerns first generation Pixel and Pixel XL smartphones manufactured before January 4, 2017. Plaintiffs allege that these Pixels have a defect that leads to microphone or speaker failures. Google denies these claims.

Visit the Settlement website www.PixelSettlement.com or call 1-855-879-3971 for information about determining whether you are a member of the class, to learn more about your rights and to learn more about this lawsuit. If you are a member of the class and you wish to get money from this Settlement, you must file a valid claim by **October 7, 2019**.

To contact Class Counsel, please call or email Simon Grille or Ben Johns using the following information:

- **Simon S. Grille.** Telephone: 1-415-981-4800; Email: sgrille@girardsharp.com
- **Ben F. Johns.** Telephone: 1-610-642-8500; Email: bfj@chimicles.com

You may contact the Claims Administrator at 1-855-879-3971 or *Weeks, et al. v. Google, LLC* Claims Administrator, P.O. Box 404153, Louisville, KY 40233-4153.

The Court will hold a Final Approval Hearing on **December 6, 2019, at 1:00 p.m.**, in Courtroom 5 of the San Jose federal courthouse, located at 280 South 1st Street, San Jose, CA 95113. The Court can only approve or deny the Settlement, and cannot change the terms of the Settlement.

The Court may reschedule the Final Approval Hearing or change any of the deadlines described in this notice. The date of the Final Approval Hearing may change without further notice to the class members. Be sure to check the website, www.PixelSettlement.com, for news on any such changes. You can also access the case docket via the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf/cand/uscourts.gov>.

The deadline to opt out of the Settlement or object to the Settlement is **October 7, 2019**. You may opt out online by **October 7, 2019** at www.PixelSettlement.com or by mailing the opt-out form available at www.PixelSettlement.com to the Claims Administrator at *Weeks, et al. v. Google, LLC* Claims Administrator, P.O. Box 404153, Louisville, KY 40233-4153. Mailed opt-out requests must be postmarked no later than **October 7, 2019**. If you opt out of the Settlement, you will not have any rights as a member of the Settlement Class under the Settlement; you will not receive any payment as part of the Settlement; you will not be bound by any further orders or judgments in this case; and you will keep the right, if any, to sue on the claims alleged in the case at your own expense.

If you wish to object to the Settlement, you must send a written objection to the Court, following the instructions available at [\[link to section 19 of the long-form notice on website\]](#).

You may access the docket in this case through the Court's PACER system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California at any of the Court's locations between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays:

1. Robert F. Peckham Federal Building and United States Courthouse
280 South 1st Street, San Jose, CA 95113
2. Phillip Burton Federal Building and United States Courthouse
450 Golden Gate Avenue, San Francisco, CA 94102
3. Ronald V. Dellums Federal Building and United States Courthouse
1301 Clay Street, Oakland, CA 94612
4. United States Courthouse
3140 Boeing Avenue, McKinleyville, CA 95519

Please do not call the court or clerk's office with questions about the Settlement.

**For a copy of the Settlement Agreement or Claim Form,
visit www.PixelSettlement.com or call toll-free 1-855-879-3971.**

EXHIBIT B

Wells, et al. v. Google, LLC - Claims Administrator
P.O. Box 404153
Louisville, KY 40233-4153

2D

LEGAL NOTICE



Postal Service: Please Do Not Mark Barcode

GWK-`<<Claim8>>`-`<<CkDig>>`

PIN Code: `<<PIN>>`

See other side for details

`<<FirstNAME>>` `<<LastName>>`

`<<Addr1>>` `<<Addr2>>`

`<<City>>`, `<<State>>``<<FProv>>` `<<Zip>>``<<FZip>>`

`<<FCountry>>`

GWK

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
Weeks v. Google LLC., No. 5:18-cv-00801-NC (N.D. Cal.)
United States District Court for the Northern District of California

A court authorized this notice. This is not a solicitation from a lawyer.

A \$7.25 million settlement has been reached with Google in a class action lawsuit involving the Pixel and Pixel XL smartphones. Plaintiffs allege that these Pixels have a defect that leads to microphone or speaker failures. Google denies these claims.

WHO IS INCLUDED? You are a member of the class and eligible for payment if you are in the United States and bought a new Pixel or Pixel XL smartphone, other than for resale, manufactured before January 4, 2017 and did not receive a replacement Pixel manufactured after January 3, 2017 or refurbished after June 5, 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.

WHAT CAN I GET? If you are a member of the class, you can receive money from the Settlement by making a claim. The defendant will pay \$7,250,000 into a Settlement Fund. After deduction of the costs of notice and settlement administration, any award of attorneys' fees (up to 30% of the Settlement Fund), litigation costs, and any service awards for the class representatives, the Settlement Fund will be distributed to class members who submit valid claims.

DO I HAVE TO SUBMIT A CLAIM? In order to receive money from this Settlement, you must submit a completed claim form by October 7, 2019. If you are a member of the class, you can submit a claim form at www.PixelSettlement.com. You may also contact the Claims Administrator to request a paper claim form by telephone at 1-855-879-3971, by email at info@PixelSettlement.com or U.S. mail at *Weeks, et al. v. Google, LLC* Claims Administrator, P.O. Box 404153 Louisville, KY 40233-4153. You may submit your claim form online, by email or by mail.

YOUR OTHER OPTIONS If you wish to be excluded from the Settlement Class, you must submit your exclusion request online or mail your written exclusion request by October 7, 2019. If you submit a claim form or do nothing, you will be bound by the Settlement terms and the orders issued by the Court concerning the Settlement. If you do not exclude yourself from the Settlement Class, you may object to the Settlement by submitting a written objection by October 7, 2019. For specific information on how to submit a written exclusion request or objection, and the requirements for each, please visit www.PixelSettlement.com.

THE COURT'S FINAL APPROVAL HEARING The Court will hold a hearing on December 6, 2019 to consider whether to approve the Settlement, and to consider requests by Class Counsel for attorneys' fees and costs and for service awards for the representative class plaintiffs. The date and/or time of the hearing may change. Please check www.PixelSettlement.com for updates.

FOR ADDITIONAL INFORMATION ABOUT THE SETTLEMENT THIS IS ONLY A SUMMARY. For more information regarding your rights and options, visit the Settlement website: www.PixelSettlement.com. You may also call toll-free 1-855-879-3971, or write to: *Weeks, et al. v. Google, LLC* Claims Administrator, P.O. Box 404153 Louisville, KY 40233-4153.

For a copy of the Settlement Agreement or Claim Form, visit www.PixelSettlement.com or Call Toll-Free 1-855-879-3971.