

United States District Court
Northern District of California
San Jose Division

FILED

JUL 30 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

DB

In Re: Netflix Privacy Litigation Case No. 5:11-CV-00379 EJD

STATEMENT OF OBJECTIONS

- a. My name is Nathan Kennedy, my address is P.O. Box 52, Owego NY 13827-0052, and my telephone number is (607) 398-0675.
- b. I am a member of the Settlement Class. I do not intend to appear and wish for these objections to be taken under submission.
- c. My grounds for objection are as follows:
 1. The category of eligible *cy pres* recipients in section 2.4.1 of the Settlement Agreement is arbitrarily limited and not in the interest of settlement class members.
 2. The proposal solicitation and selection procedure for *cy pres* recipients in sections 2.4.3 through 2.4.10 is arbitrary and not in the interest of settlement class members, and should instead allow for meaningful participation by class members to pick any worthy charity.

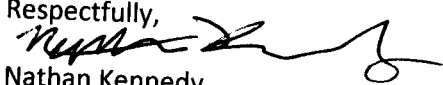
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Since \$9 million is to be distributed in discharging the settlement class's claims in return for absolutely nothing of value and no meaningful injunctive relief, at the very least class members deserve a meaningful voice in the selection of *cy pres* recipients.

With the nation's economy stuck in a deep depression, class members may see it as perverse and frivolous that their award goes to enrich only attorneys and technology interest groups. If there is to be a *cy pres* distribution, why limit it so? Why not distribute the funds to needy organizations that help relieve human suffering, rather than well-funded organizations tilting at the windmills of internet privacy? At the very least, why not ask us where we want the money to go?

It would be simple and cheap to set up a website to take nominations from class members for any registered 501(c)(3) nonprofit organization, pick the top 20 most popular ones, give each class member 20 votes to apportion, and distribute the settlement funds pro rata according to the votes received. I am sure a single Netflix engineer could easily put together such a website up in a weekend. Many organizations, such as CREDO, regularly use such online votes to allocate donations. The result would be a far fairer distribution with meaningful class participation and more goodwill all around.

Dated: July 27, 2012

Respectfully,

Nathan Kennedy
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Cc: Clerk, District Court
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