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11 Attorneys for Defendant
GOOGLE INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 IN RE GOOGLE INC. GMAIL
LITIGATION

18 THIS DOCUMENT RELATES TO:
19 ALL ACTIONS

Case No. 5:13-md-02430 LHK (PSG)

**DECLARATION OF WHITTY
SOMVICHIAN IN SUPPORT OF
DEFENDANT GOOGLE INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO SUBMIT A STATEMENT
OF RECENT DECISION**

Judge: Hon. Lucy H. Koh
Trial Date: Not yet set

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24 I, Whitty Somvichian, declare as follows:

25 1. I am an attorney licensed to practice law in the state of California, and am a
26 partner at Cooley LLP. I am counsel of record for Defendant Google Inc. ("Google") in this
27 matter. I make this declaration based on my personal knowledge, and if called as a witness I
28 could and would testify to the matters herein.

2. Pursuant to Civil Local Rule 7-11, I sent an email on December 6, 2013 to lead counsel for Plaintiffs (Sean Rommel, Kirk Wolden, and Jerome Tapley) asking whether Plaintiffs could stipulate to the submission of Judge Grewal's December 3, 2013 order in *In re Google, Inc. Privacy Policy Litig.*, No. 5:12-cv-01382-PSG, ECF No. 67 (N.D. Cal. Dec. 3, 2013) as supplemental authority in support of Google's Motion for § 1292(b) Certification for Interlocutory Review (ECF No. 80). I attached a copy of that authority with my email to Plaintiffs' counsel.

3. I received an initial response from Mr. Wolden asking for further clarification on the request, which I provided by email.

4. As of the time of this filing, I have not received a response indicating Plaintiffs' position on whether they can stipulate to Google's request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 6, 2013, in San Francisco, California.

/s/ Whitty Somvichian

Whitty Somvichian