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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE GOOGLE INC. GMAIL LITIGATION

Master Docket No.: 13-MD-02430-LHK

THIS DOCUMENT RELATES TO:

A.K., as Next Friend of Minor J.K. v. Google Inc., Case No. 3:12-cv-01179-PMK (S.D. Ill.)

**STIPULATION OF DISMISSAL WITH
PREJUDICE OF ALL CLAIMS
ASSERTED BY PLAINTIFF A.K., AS
NEXT FRIEND OF MINOR J.K.**

STIPULATION OF DISMISSAL WITH PREJUDICE
5:13-MD-002430-LHK

1 Pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1)(A)(ii), Plaintiffs A.K. as Next
2 Friend of Minor J.K., and J.K., who attained majority on July 12, 2014 (“Stipulating Plaintiffs”)
3 and Defendant Google Inc. (collectively, the “Parties”) hereby stipulate to dismiss with prejudice
4 certain claims and actions as follows:

5 WHEREAS, Stipulating Plaintiffs filed an individual complaint against Google, Inc. in the
6 United States District Court for the Southern District of Illinois, A.K., *as Next Friend of Minor*
7 *J.K.*, Case No. 3:12-cv-01179-PMK (S.D. Ill.).

8 WHEREAS, Stipulating Plaintiffs’ complaint was transferred by the Judicial Panel for
9 Multi-District Litigation to Judge Lucy H. Koh of the Northern District of California (the
10 “Court”) for coordinated proceedings entitled, *In re: Google Inc. Gmail Litigation* (“MDL
11 2430”), Case No. 5:13-MD-02430-LHK.

12 WHEREAS Stipulating Plaintiffs subsequently filed, along with other plaintiffs in the
13 multi-district litigation, a Consolidated Individual and Class Action Complaint.

14 WHEREAS, Stipulating Plaintiffs subsequently filed, along with other plaintiffs in the
15 multi-district litigation, a Consolidated Motion for Class Certification seeking certification of
16 various classes. On March 18, 2014, the Court denied the class certification motion with
17 prejudice, and Stipulating Plaintiffs, along with other plaintiffs in the multi-district litigation,
18 sought interlocutory review under Federal Rule of Civil Procedure 23(f). On May 12, 2014, the
19 Ninth Circuit Court of Appeals denied the Rule 23(f) petition.

20 WHEREAS, Stipulating Plaintiffs and Google have each considered the uncertainties of
21 further litigation, trial, and potential appeals in this matter; the costs, risks, and delays associated
22 with the litigation process; and the benefits of the proposed settlement; and the Parties have
23 entered into a settlement agreement to resolve their disputes.

24 WHEREAS Plaintiff J.K. turned 18 years of age on July 12, 2014, attaining majority, and
25 has executed the settlement agreement.

26 WHEREAS, this stipulation does not concern any claims other than those of Stipulating
27 Plaintiffs.

1 WHEREAS Google does not admit any liability or wrongdoing of any kind and to the
2 contrary disputes all claims and allegations in Stipulating Plaintiffs' individual and consolidated
3 actions.

4 IT IS HEREBY STIPULATED:

5 (1) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that the causes of
6 actions and claims of the Stipulating Plaintiffs as originally filed by them in *A.K.,*
7 *as Next Friend of Minor J.K.*, Case No. 3:12-cv-01179 (S.D. Ill.), are dismissed
8 with prejudice, and that the matter be dismissed in its entirety.

9 (2) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that the causes of
10 action and claims of the Stipulating Plaintiffs as alleged in Plaintiffs' First
11 Amended Consolidated Individual and Class Action Complaint or as otherwise
12 asserted in *In re: Google Inc. Gmail Litigation* ("MDL 2430"), Case No. 5:13-
13 MD-02430- LHK are dismissed with prejudice, and that the matter be dismissed
14 in its entirety.

15 IT IS SO STIPULATED, THROUGH COUNSEL.

16
17 Dated: July 14, 2014

KERR & WAGSTAFFE LLP

18
19 By: /s/ Michael K. Ng
20 Michael K. Ng.
21 *Plaintiffs' Counsel*

22
23 Dated: July 14, 2014

COOLEY L.L.P.

24 By: /s/ Whitty Somvichian
25 Whitty Somvichian
26 *Plaintiffs' Counsel*

27 *Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Michael K. Ng*
28 *hereby attests that concurrence in the filing of this document has been obtained.*

STIPULATION OF DISMISSAL WITH PREJUDICE

5:13-MD-002430-LHK