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12 GOOGLE INC.

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

16 IN RE GOOGLE INC. GMAIL
17 LITIGATION

CASE No. 5:13-MD-002430 LHK (PSG)

DECLARATION OF KYLE WONG IN
SUPPORT OF DEFENDANT GOOGLE INC.'S
MOTION TO DISMISS PLAINTIFFS'
CONSOLIDATED INDIVIDUAL AND CLASS
ACTION COMPLAINT AND REQUEST FOR
JUDICIAL NOTICE

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19 I, Kyle Wong, declare:

20 1. I am an attorney admitted to practice law in the State of California and Special
21 Counsel at Cooley LLP, counsel for Google Inc. ("Google"). Except as noted otherwise, I have
22 personal knowledge of the facts herein and if called to testify, could and would testify
23 competently hereto.

24 2. A true and correct copy of the Yahoo! Mail Privacy Policy for the current version
25 of Yahoo! Mail as it appeared on June 10, 2013 at
26 <http://info.yahoo.com/privacy/us/yahoo/mail/ymail/details.html> is attached as **Exhibit AA** to this
27 declaration.
28

1 **3.** A true and correct copy of excerpts from Senate Report No. 99-541 (October 17,
2 1986) is attached as **Exhibit BB** to this declaration.

3 **4.** A true and correct copy of the Consolidated Class Action Complaint in *In re*
4 *Google, Inc. Privacy Policy Litig.*, No. 12-CV-01382 PSG (N.D. Cal. filed June 8, 2012) is
5 attached as **Exhibit CC** to this declaration.

6 **5.** A true and correct copy of the publicly filed version of Third Amended Class
7 Action Complaint in *Dunbar v. Google, Inc.*, No. 12-cv-03305-LHK (N.D. Cal. filed Dec. 14,
8 2012) is attached as **Exhibit DD** to this declaration.

9 **6.** A true and correct copy of the Class Action Complaint in *A.K., as Next Friend of*
10 *Minor Child J.K. v. Google, Inc.*, No. 12-CV-1179-GPM-PMF (S.D. Ill. filed Nov. 15, 2012) is
11 attached as **Exhibit EE** to this declaration.

12 **7.** A true and correct copy of the Class Action Complaint in *Knowles v. Google, Inc.*,
13 No. 12-CV-1179-GPM-PMF (D. Md. filed July 9, 2012) is attached as **Exhibit FF** to this
14 declaration.

15 **8.** A true and correct copy of the Class Action Complaint in *Brinkman v. Google Inc.*,
16 No. 12-cv-06699 (E.D. Pa. filed Nov. 30, 2012) is attached as **Exhibit GG** to this declaration.

17 **9.** A true and correct copy of the First Amended Class Action Complaint in *Scott v.*
18 *Google Inc.*, No. 12-cv-03413-LHK (N.D. Cal. filed Sept. 12, 2012) is attached as **Exhibit HH** to
19 this declaration.

20 **10.** A true and correct copy of the Class Action Complaint in *Scott v. Google Inc.*, No.
21 12-614 (N.D. Fla. filed Nov. 29, 2012) is attached as **Exhibit II** to this declaration.

22 **11.** A true and correct copy of a publication of the Federal Trade Commission (“FTC”)
23 called *Complying with COPPA: Frequently Asked Questions* as it appeared on June 10, 2013 at
24 <http://business.ftc.gov/documents/Complying-with-COPPA-Frequently-Asked-Questions> is
25 attached as **Exhibit JJ** to this declaration.

26 **12.** A true and correct copy of an FTC report titled *Protecting Consumer Privacy in an*
27 *Era of Rapid Change: Recommendations for Businesses and Policymakers*, as downloaded from
28 <http://ftc.gov/os/2012/03/120326privacyreport.pdf> on June 10, 2013, is attached as **Exhibit KK**

1 to this declaration.

2 **13.** A true and correct copy of the Ruling on Defendant's Demurrer to Plaintiff's
3 Individual and Class Action Complaint in *Diamond v. Google, Inc.* (Super. Ct. Marin County,
4 Nov. 9, 2012, No. CV1202715) is attached as **Exhibit LL** to this declaration. This tentative
5 ruling was subsequently adopted by the Court in full.

6 **14.** A true and correct copy of the California Senate Judiciary Committee Analysis of
7 Senate Bill No. 1016 (1995-1996 Reg. Sess.), as amended May 9, 1995, is attached as **Exhibit**
8 **MM** to this declaration.

9 **15.** A true and correct copy of the California Senate Committee on Public Safety
10 Analysis of Senate Bill No. 1428 (2009-2010 Reg. Sess.), April 13, 2010, is attached as **Exhibit**
11 **NN** to this declaration.

12 **16.** A true and correct copy of excerpts from the publicly filed version of Plaintiff's
13 Reply Memorandum in Support of Plaintiff's Motion for Class Certification in *Dunbar v. Google,*
14 *Inc.*, No. 12-cv-03305-LHK (N.D. Cal.) is attached as **Exhibit OO** to this declaration.

15 **17.** A true and correct copy of Plaintiff's Notice of Voluntary Dismissal With
16 Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) in *Penakava v. Yahoo!, Inc.*, No. CV12-
17 03414) (N.D. Cal.) is attached as **Exhibit PP** to this declaration.

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19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed on June 13, 2013, in San Francisco, California.

21
22 /s/ Kyle Wong

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24 Kyle Wong
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FILER'S ATTESTATION

Pursuant to Local Civil Rule 5-1(i), the undersigned attests that the party whose signature appears above has concurred in the filing of this declaration. The undersigned shall maintain records to support this concurrence in accordance with Rule 5-1(i)(3).

Dated: June 13, 2013

COOLEY LLP

/s/ Whitty Somvichian

Whitty Somvichian (194463)

Attorneys for Defendant
GOOGLE INC.