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GOOGLE INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

14 IN RE GOOGLE INC. GMAIL  
LITIGATION

Case No. 5:13-md-002430 LHK (PSG)

**STATEMENT OF RECENT DECISION RE  
DEFENDANT GOOGLE INC.'S MOTION TO  
DISMISS PLAINTIFFS' CONSOLIDATED  
INDIVIDUAL AND CLASS ACTION  
COMPLAINT**

**Civ. L.R. 7-3(d)(2)**

Hearing on Motion to Dismiss to be held  
on:

Date: September 5, 2013  
Time: 1:30 p.m.  
Judge: Hon. Lucy H. Koh  
Dept.: Courtroom 8 - 4th Floor

Trial Date: Not yet set

## STATEMENT OF RECENT DECISIONS

Defendant Google Inc. ("Google") respectfully submits for the Court's consideration the recent decision of:

- *Fraley v. Facebook, Inc.*, No. CV 11-01726-RS, 2013 WL 4516819 (N.D. Cal. Aug. 26, 2013) (Seeborg, J.) (overruling objections to a settlement on the basis that the Children's Online Privacy Protection Act ("COPPA") may preempt state laws regarding parental consent for individuals over the age of 13 and that California Family Code § 6701 is not implicated by a minor's establishment or use of social network profile). A true and correct copy of the decision is attached as Exhibit A hereto.

This case is relevant to Google's Motion to Dismiss, including the application of California Family Code § 6701 and its preemption by COPPA.

Dated: September 4, 2013

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