

WYLY~ROMMEL, PLLC  
 Sean F. Rommel (*Pro Hac Vice*)  
 Email: srommel@wylyrommel.com  
 4004 Texas Boulevard  
 Texarkana, Texas 75503  
 Telephone: (903) 334-8646  
 Facsimile: (903) 334-8645

CORY WATSON CROWDER & DEGARIS, P.C.  
 F. Jerome Tapley (*Pro Hac Vice*)  
 Email: jtapley@cwcd.com  
 2131 Magnolia Avenue  
 Birmingham, Alabama 35205  
 Telephone: (205) 328-2200  
 Facsimile: (205) 324-7896

*Plaintiffs' Co-Lead Counsel*

CARTER WOLDEN CURTIS, LLP  
 Kirk J. Wolden (SBN 138902)  
 Email: kirk@cwclawfirm.com  
 1111 Exposition Boulevard, Suite 602  
 Sacramento, California 95815  
 Telephone: (916) 567-1111  
 Facsimile: (916) 567-1112

*Plaintiffs' Liaison Counsel*

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:  
 ALL ACTIONS

**DECLARATION OF PROPOSED CLASS  
 COUNSEL F. JEROME TAPLEY IN  
 SUPPORT OF PLAINTIFFS'  
 CONSOLIDATED MOTION FOR CLASS  
 CERTIFICATION**

Date: January 16, 2014  
 Time: 1:30 p.m.  
 Judge: Hon. Lucy H. Koh  
 Place: Courtroom 8—4<sup>th</sup> Floor

Trial Date: October 20, 2014

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**DECLARATION OF PROPOSED CLASS COUNSEL F. JEROME TAPLEY IN  
 SUPPORT OF PLAINTIFFS' CONSOLIDATED MOTION FOR CLASS  
 CERTIFICATION**  
 5:13-MD-002430-LHK

1 I, F. JEROME TAPLEY, declare that:

2 1. I am a shareholder with the law firm of Cory Watson Crowder & DeGaris, P.C,  
3 and lead my firm's class action litigation group. My practice is limited to complex litigation,  
4 including products liability, mass torts, and class actions. I have litigated class actions since  
5 2003, with an emphasis on defective products and consumer claims.

6 2. I have been involved in this litigation since the transfer of the *Dunbar*  
7 action to the Northern District of California in June 2012. Since that time, I have worked  
8 closely with Kirk Wolden and Sean Rommel in the prosecution of what, in April 2012, became  
9 this MDL. Prior to the establishment of the MDL, I worked extensively on the motion to  
10 dismiss *Dunbar*, *Dunbar* discovery including motion practice, and on the motion to certify  
11 which was pending at the time the MDL was established. Messrs. Rommel, Wolden, and I, and  
12 others worked to respond to Google's MDL petition, and to develop a workable and efficient  
13 plan for the conduct of the plaintiffs' cases in the event of consolidation or coordination by the  
14 Judicial Panel on Multi-District Litigation. Shortly after the MDL was established, I was  
15 appointed Co-Lead Counsel in this MDL. Since my appointment, the predominant focus of my  
16 professional activities has been on this action, in the execution of my duties as Co-Lead Counsel  
17 and more generally working closely with Co-Lead Counsel in the management and control, and  
18 prosecution of all aspects of this case including all briefing, discovery, and case management. I  
19 have worked closely with Co-Lead Counsel and Liaison Counsel in the day-to-day activities of  
20 this action, and have overseen and managed the work of the Plaintiffs' Executive Committee. I  
21 am proud of the quality of the work product that has been presented on behalf of Plaintiffs in  
22 this MDL, and I defer to this Court's judgment regarding the quality of representation by  
23 counsel in the MDL to date. I seek appointment as Class Counsel in this action.

24 3. For greater detail concerning the work performed by Counsel, and in an attempt  
25 to reduce repetition, I would refer the Court to the Declaration of Sean F. Rommel.

26 4. I was Co-Lead Counsel in *Keilholtz v. Lennox*, et al., Northern District Court of  
27 California, Case No. 4:-08-cv-836-CW. In this capacity and along with co-counsel including  
28 Kirk Wolden and Ryan Lutz, I was responsible for and handled the management and day to day

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activities of consumer safety class action involving defective hazardous fireplaces with unreasonably unsafe glass surface temperatures well in excess of that capable of inflicting a third degree burn through: pre-litigation investigation including the provision of notice under CLRA; pleading and motion practice; certification discovery; certification discovery; certification and appeals arising due to the certification of a national class; merits discovery; trial preparation, exhaustive and lengthy settlement negotiations which led to publication by notice and formal; and approval of and judgment on a national class action settlement which afford benefits to a class of approximately 600,000 owners of Lennox fixed single panes glass front gas fireplaces.

5. On August 17, 2013, I was appointed Co-Class Counsel in *Rotandi v. Miles Industries, Ltd.*, Northern District of California Case No. 3:11-cv-02146-EDL, a consumer safety national class action involving over 30,000 gas fireplaces manufactured by a Canadian company.

6. I have also received the following recent class action appointments: Class Counsel, *Craft v. North Seattle Comm. College Foundation*, Case No. 3:07-cv-132-CDL (M.D. Ga.); Plaintiffs' Steering Committee, *In Re: General Motors Corporation Dex-Cool Products Liability Litigation*, MDL No. 1562; and Class Counsel *In Re: Thomas Denney, et al v. Jenkins & Gilchrist, et al*, No 03-CV-5460 (S.D. N.Y.).

7. I am also counsel on behalf of numerous putative classes currently pending in State and federal courts, including *Banks, et al. v. Nissan North America, Inc.*, Case No. 4:11-cv-2022-PJH (N.D. Cal.), and *Lisk v. Lumber One Wood Preserving, LLC*, Case No. 3:13-cv-1402-AKK (N.D. Ala.).

8. I and my firm have extensive experience in leading class actions and Multi-District Litigation. Many of the lawyers in my firm including myself have been appointed by various courts as class counsel, lead counsel, co-lead counsel, members of Multi-District Litigation Plaintiffs' Executive Committees or members of Multi-District Litigation Plaintiffs' Steering Committees.

9. Additionally, members of my firm have also received the following recent appointments: Co-Lead Counsel and Plaintiffs' Executive Committee, *In Re: E.I. DuPont de Nemours and Company C-8 Personal Injury Litigation*, MDL No. 2433, Lead Counsel, Plaintiffs' Executive Committee, Plaintiffs' Steering Committee, Co-Chair of the Discovery Committee, and Chair of the Bellwether Committee, *In Re: Chantix (Varenicline) Products Liability Litigation*, MDL No. 2092; Plaintiffs' Steering Committee, *In Re: Trasylol Products Liability Litigation*, MDL No. 1928; Co-Lead Counsel, *In re: Kugel Mesh Hernia Patch Product Liability Litigation*, MDL No. 1842; Co-Lead counsel in the *State of Rhode Island Kugel Products Liability Litigation*; Plaintiffs' Steering Committee and Co-Chair of Science Committee, *In Re: Fosamax, Products Liability Litigation*, MDL No. 1789; Plaintiffs' Steering Committee and Co-Chair for the Discovery Committee, *In Re: Bausch & Lomb Contact Lens Solution Products Liability Litigation*, MDL No. 1785; and Lead Counsel *In Re: ProteGen Sling and Vesica Systems Products Liability Litigation*, MDL No. 1387.

10. I have worked directly with Robert Fread and Todd Harrington in this action. These plaintiffs have participated actively in this litigation to this point, assisting in the preparation of documents including complaints and declarations, putting together documents and information necessary in anticipation of written discovery requests, and communicating with me and co-counsel in a timely fashion as is necessary. It is my firm belief that they are willing and able to continue participating actively in this litigation toward the common goal of fair and reasonable class relief, and stopping Google's alleged violations of state and federal privacy laws.

11. My firm has extensive experience in the litigation of complex class action, products liability and mass tort cases, the most recent relevant experience is as follows:

#### **Class Actions**

- *In Re: Google Inc. Gmail Litigation*, MDL No. 2430; Cory Watson Shareholder F. Jerome Tapley appointed Co-Lead Counsel. *Keilholtz v. Lennox, et. al.*, USDC Northern District California, 08-CV-00836; Cory Watson shareholder F. Jerome Tapley appointed Co-Lead Counsel for the Class.
- *Craft v. North Seattle Comm. College Foundation*, M.D. Ga. Case No. 3:07-cv-132-CDL; Cory Watson shareholder F. Jerome Tapley appointed Class Counsel.

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- *In Re: General Motors Corporation Dex-Cool Products Liability Litigation*, MDL No. 1562; Cory Watson shareholder Ernest Cory and Cory Watson shareholder F. Jerome Tapley appointed to the Plaintiffs' Executive Committee.
- *In Re: High Sulfur Content Gasoline Products Liability Litigation*, MDL No. 1632; Cory Watson shareholder Kristian Rasmussen appointed to the Plaintiffs' Steering Committee and Co-Lead Trial Counsel.
- *Denney v. Jenkins & Gilchrist, et al.*, USDC Southern District of New York, CV 03-5460; Cory Watson shareholder Ernest Cory appointed Class Counsel.

#### **Complex Multi-Party Litigation**

- *In Re: Jeddah Air Disaster*, Cory Watson represented the families of 247 passengers who died in Jeddah, Saudi Arabia.
- *In Re: BellSouth Corp. ERISA Litigation*, USDC Northern District of Georgia; Cory Watson shareholder Ernest Cory appointed to the Plaintiffs' Executive Committee.

#### **Products Liability**

- *In Re: Yamaha Motor Corp. Rhino ATV Products Liability Litigation*. MDL No. 2016; Cory Watson shareholder Jason A. Shamblin appointed to the Plaintiffs' Executive Committee.
- *In Re: Hydroxycut Marketing and Sales Practices Litigation*, MDL No. 2087. Cory Watson shareholder Annesley DeGaris appointed to the Plaintiffs' Steering Committee.

#### **Medical Device Litigation**

- *In Re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*, MDL No. 2197; Cory Watson shareholder Annesley H. DeGaris appointed to the Science Committee.
- *In Re: Kugel Mesh Hernia Patch Products Liability Litigation*, MDL No. 1842; Cory Watson shareholder Ernest Cory appointed Co-lead Plaintiffs' Counsel, and Cory Watson shareholder Jon C. Conlin appointed Chair of the Discovery Committee.
- *In Re: Medtronic Inc, Sprint Fidelis Leads Products Liability Litigation*, MDL No. 1905; Cory Watson shareholder Leila H. Watson appointed to the Plaintiffs' Steering Committee.
- *In Re: ProteGen Sling and Vesica System Products Liability Litigation*, MDL No. 1387; Cory Watson shareholder Ernest Cory appointed Lead Plaintiffs' Counsel and Plaintiffs' Liaison Counsel.
- *In Re: Bausch & Lomb, Inc. Contact Lens Solution Products Liability Litigation* MDL No. 1785; Cory Watson shareholder Ernest Cory appointed to the Plaintiffs' Steering Committee and Co-Chair of Discovery Committee, Cory Watson attorney Stephen Hunt appointed to Discovery Committee.

#### **Pharmaceutical Litigation**

- *In Re: Chantix (Varenicline) Products Liability Litigation*, MDL No. 2092; Cory Watson shareholder Ernest Cory appointed Lead Plaintiffs' Counsel and named to Plaintiffs' Executive Committee; Cory Watson shareholder Kristian Rasmussen appointed to

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Plaintiffs' Steering Committee ,Co-Chair of Discovery Committee and to Science/Expert Committee and Law Committee: Cory Watson attorney Stephen Hunt appointed to Discovery Committee and Law Committee; Cory Watson Attorney Elizabeth Chambers appointed to Science/Expert Committee.

- *In Re: Fosamax, Products Liability Litigation*, MDL No. 1789; Cory Watson shareholder Annesley H. DeGaris appointed to Plaintiffs' Steering Committee and Co-chair of Science Committee.
- *In Re: Trasylol Products Liability Litigation*, MDL No. 1928; Cory Watson shareholder Ernest Cory appointed to Plaintiffs' Steering Committee.
- *In Re: Bextra and Celebrex Marketing, Sales Practices and Product Liability Litigation*, MDL No. 1699; Cory Watson shareholder Kristian Rasmussen appointed to Plaintiffs' Steering Committee and Co-chair of the Discovery Committee.

#### **Environmental**

- *In Re: E.I. DuPont de Nemours and Company C-8 Personal Injury Litigation*, MDL No. 2433, Cory Watson Shareholder Jon C. Conlin appointed Co-Lead Counsel and named to Plaintiffs' Executive Committee.

I declare under penalty of perjury under the laws of the States of California and Alabama that the foregoing is true and correct, and that I have personal knowledge of the matters stated in this declaration. If called as a witness, I could and would and testify competently as to those matters.

Executed on this 24th day of October, 2013 at Birmingham, Alabama.

/s/ F. Jerome Tapley  
F. JEROME TAPLEY