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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:
ALL ACTIONS

**DECLARATION OF PROPOSED CLASS
COUNSEL KIRK J. WOLDEN 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—4th Floor

Trial Date: October 20, 2014

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**DECLARATION OF PROPOSED CLASS COUNSEL KIRK J. WOLDEN IN
SUPPORT OF PLAINTIFFS' CONSOLIDATED MOTION FOR CLASS
CERTIFICATION**
5:13-MD-002430-LHK

1 I, KIRK J. WOLDEN, declare that:

2 1. I am a Partner of Carter Wolden Curtis, LLP. I graduated from U.C. Santa Cruz
3 with a B.A. in Psychology (President's Undergraduate Fellow) in 1984. I received my Juris
4 Doctor degree from Hastings College of the Law in 1988. I have been admitted to practice in
5 the State of California since December 1988. I am admitted to the High Court in New Zealand
6 and the High Court of Australia, having actively practiced in Australia as a solicitor and
7 barrister between 1992 and 1994, before returning to California. Since 1994, I have practiced
8 exclusively in litigation matters with an emphasis on complex litigation. From 1997 to 2005, I
9 was an associate and later partner in a defense firm that specialized in representing defendants
10 in complex litigation matters. I represented numerous defendants in class actions, including
11 acting as lead counsel in multi-state class actions. In 2005, I joined the Arnold Law Firm where
12 I was a lead trial attorney, and also headed the Class Action and Mass Torts Departments. In
13 March 2013, I started my own firm specializing in the representation of plaintiffs in class
14 actions and personal injury matters. Since 2005, I have devoted my practice exclusively to the
15 representation of consumers in personal injury and consumer litigation. I have extensive
16 experience in the litigation of representative claims under California's Unfair Competition Law
17 and Consumer Legal Remedies Acts.

18 2. I have been involved in this litigation since the transfer of the Dunbar action to
19 the Northern District of California in June 2012. From that point, I have worked closely with
20 Jerome Tapley and Sean Rommel in the prosecution of what, in April 2012, became this MDL.
21 Prior to the establishment of the MDL, I worked extensively on the motion to dismiss Dunbar,
22 Dunbar discovery including motion practice, and on the motion to certify which was pending at
23 the time the MDL was established. Messrs. Tapley, Rommel and I, and others, worked to
24 respond to Google's MDL petition, and to develop a workable and efficient plan for the conduct
25 of the Plaintiffs' cases in the event of consolidation or coordination by the Judicial Panel on
26 Multi-District Litigation. Shortly after the MDL was established, I was appointed Liaison
27 Counsel in this MDL. Since my appointment, the predominant focus of my professional
28 activities has been on this action, in the execution of my duties as Liaison Counsel and more

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generally working closely with Co-Lead Counsel in the day-to-day prosecution of this consolidated action, including all briefing, discovery, and case management activities. I have worked closely with Co-Lead Counsel and the Plaintiffs' Executive Committee in all of the briefing presented to the Court, and on all aspects of discovery. The Court is aware of the work product that has been presented on behalf of Plaintiffs in this MDL, and I defer to this Court's judgment regarding the quality of representation by counsel in the MDL to date. I seek appointment as Class Counsel in this action.

3. I was co-lead counsel in *Keilholtz v. Lennox*, et al., Northern District Court of California, Case No. 4:-08-cv-836-CW. In this capacity, and along with co-counsel including Jerome Tapley and Ryan Lutz, I was responsible for and handled the management and day to day activities of a consumer safety class action involving defective hazardous fireplaces through: 1) pre-litigation investigation including the provision of notice under CLRA; 2) pleading and motion practice; 3) certification discovery; 4) certification and appeals arising due to the certification of a national class; 5) merits discovery; 6) trial preparation, and exhaustive and lengthy settlement negotiations which led to publication by notice and formal; and 7) approval of and judgment on a national class action settlement which afford benefits to a class of approximately 600,000 fireplace owners.

4. 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.

5. I am currently lead counsel in several class actions involving deceptive practices and consumer injury that are at various stages of litigation. I was recently appointed to the Executive Committee in *Sutter Medical Information Cases*, JCCP 4698, a coordinated California Class action involving the California Medical Information Act, and the alleged disclosure of over a million Sutter patients' confidential medical information. I currently represent plaintiffs in four other class actions alleging violations of state laws respecting consumer privacy. In the recent past, I was selected as counsel for one of the named class

representatives of the California state sub-class in *In Re: Vytroin/Zetia Marketing and Sales Practices Litigation*, MDL Docket No. 1938, a group of consumer and payer class actions consolidated by the Judicial Panel for Multi-District Litigation in the United States District Court for the District of New Jersey, and I was appointed to the plaintiffs' steering committee in *In Re: Denture Crèam Products Liability Litigation*, MDL No. 2051, where I was a member of the Discovery Committee and also led the Committee's work regarding the several state law-based consumer class actions in the MDL. I regularly try personal injury cases involving product defects as lead counsel. In the last three years, I have tried several personal injury cases to verdict, including verdicts in excess of \$1 million, \$2.5 million, \$3.5 million, and \$10 million.

6. I have worked directly with Rafael Carrillo and Robert Fread 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.

I declare under penalty of perjury under the laws of the State of California 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 Sacramento, California.

/s/ Kirk J. Wolden
KIRK J. WOLDEN