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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 HIRLYE R. "RYAN"
LUTZ, III RELATING TO
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

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 HIRLYE R. "RYAN" LUTZ, III RELATING TO
ADMINISTRATIVE MOTION TO FILE UNDER SEAL**

5:13-md-02430-LHK

1 I, Hirlye R. “Ryan” Lutz, III, declare:

2 1. I am an attorney with the law firm of Cory Watson Crowder & DeGaris, P.C. I am
3 also counsel of record for Plaintiffs Keith Dunbar, Brad Scott (“*Scott I*”), Todd Harrington,
4 Robert Fread, Raphael Carrillo, and the putative Classes they seek to represent. I make this
5 declaration based upon my own personal knowledge except where expressly noted to be on
6 information and belief.

7 2. This Court has ordered all plaintiffs in this MDL to file a Consolidated Motion for
8 Class Certification by October 24, 2013. Plaintiffs are filing their Consolidated Motion for
9 Class Certification today. Because this filing contains information and references documents
10 which have been marked as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” by
11 defendant Google under the terms of the operative protective order in this MDL proceeding,
12 Plaintiffs are filing this Complaint conditionally under seal in accordance with N.D. Civil L.R.
13 79-5(e), Civil Standing Order Regarding Motions To File Under Seal signed by U.S. District
14 Judge Lucy H. Koh, and N.D. Civil L.R. 7-11.

15 3. I have been personally involved in the preparation of the Consolidated Motion for
16 Class Certification, including its factual averments. Based upon my own personal knowledge
17 and based on information provided from Co-Lead Counsel, certain factual information recited
18 in the Motion for Class Certification includes information from documents or deposition
19 testimony which Google has marked “Confidential” or “Highly Confidential—Attorneys’ Eyes
20 Only” under the terms of the operative protective order in this MDL proceeding. Plaintiffs and
21 their Counsel disagree that the information redacted from the Consolidated Motion for Class
22 Certification is entitled to protection under the operative protective order, but have made these
23 redactions in deference to Google’s designation of information which it alleges: (1) is subject to
24 protection under the Operative Protective Order; and, (2) is justified to withhold from public
25 disclosure. Google’s designations have required redaction of the following:

26 a. Portions of Plaintiffs’ Consolidated Motion for Class Certification, at p.
27 2:17-20; 3:14, 17-23; 4:1-2, 7, 14, 16, 18, 20, 22-26; 5:7, 10-18, 21-22, 25, 27-28; 6:1,
28 5, 7-8, 11-14, 18-25, 27-28; 7:1-3, 5, 8-12, 15-17; 8:1-18; 11:8; 15:11-13; 19:13-21, 23-

25, 27-28; 21:10-17; 26:4-5.

b. The entirety of Exhibits A, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, S, T, U, V, W, AA, & BB to the Declaration of Proposed Class Counsel Sean F. Rommel In Support of Plaintiffs' Consolidated Motion for Class Certification.

4. Plaintiffs oppose the sealing of the information that has been redacted in Plaintiffs' Consolidated Motion for Class Certification.

I declare under penalty of perjury under the laws of the States of California and Alabama that the foregoing is true and correct.

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

/s/ Hirlye R. "Ryan" Lutz, III
Hirlye R. "Ryan" Lutz, III