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

13 IN RE: GOOGLE LOCATION HISTORY
 14 LITIGATION

Case No. 5:18-cv-05062-EJD

15 **DECLARATION OF BENJAMIN**
 16 **BERKOWITZ IN SUPPORT OF**
 17 **PLAINTIFFS' MOTION FOR**
 18 **PRELIMINARY APPROVAL OF CLASS**
 19 **ACTION SETTLEMENT**

20 Date: October 26, 2023
 Time: 9:00 A.M.
 Dept: Courtroom 4 – 5th Floor
 Judge: Hon. Edward J. Davila

21 Date Filed: November 2, 2018

22 Trial Date: None Set

DECLARATION OF BENJAMIN BERKOWITZ

I, Benjamin Berkowitz, declare and state as follows:

1. I am a partner at the law firm of Kecker, Van Nest & Peters, counsel of record for Defendant Google LLC (“Google”) in this matter. I submit this declaration in support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement. Unless otherwise stated, I have personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify to these facts.

2. In their Settlement Agreement, the parties have identified seventeen independent 501(c)(3) organizations with a track record of addressing privacy concerns on the Internet as potential *cy pres* recipients.

3. I submit this declaration pursuant to Guideline 8 of the Northern District of California’s Procedural Guidance for Class Action Settlement, which requires the parties to “identify any relationship they or their counsel have with the proposed *cy pres* recipients.”

4. At my direction, Kecker Van Nest & Peters LLP and Google have conducted a review to identify any relationship with the proposed *cy pres* recipients, including but not limited to any board of director roles currently held by Kecker Van Nest & Peters attorneys or Google employees. I make the following disclosures regarding relationships with those organizations:

i) American Civil Liberties Union (“ACLU”): Attorneys at Kecker, Van Nest & Peters have provided pro bono legal services to, and served as co-counsel with, the ACLU on both ongoing and closed legal matters.

ii) ACLU of Northern California: Ajay Krishnan (a partner at Kecker, Van Nest & Peters) serves on the Board of Directors for the ACLU Foundation of Northern California and Zainab Ramahi (an associate at Kecker, Van Nest & Peters) serves on the Board of Directors for the ACLU of Northern California (an affiliated 501(c)(4) organization). Attorneys at Kecker, Van Nest & Peters have also provided pro bono legal services to, and served as co-counsel with, the ACLU of Northern California on both ongoing and closed legal matters.

1 iii) Center for Democracy and Technology: David Quinalty (an employee at
2 Waymo, a subsidiary of Google’s parent company Alphabet) serves on the Center for Democracy
3 and Technology’s Advisory Council.

4 iv) Electronic Frontier Foundation (“EFF”): Attorneys at Kecker, Van Nest &
5 Peters have provided pro bono legal services to, and served as co-counsel with, EFF on both
6 ongoing and closed legal matters.

7 v) Future of Privacy Forum: Keith Enright (Chief Privacy Officer at Google)
8 serves on the Future of Privacy Forum’s Advisory Board.

9 vi) Internet Policy Research Initiative (IPRI) at MIT: Hal Abelson (an MIT
10 faculty member who IPRI lists on its ten-member “[Leadership Team](#)”) is also employed at
11 Google as a research scientist. *See, e.g.,* [Hal Abelson – Google Research](#).

12 5. In addition to the relationships listed above, Google and Kecker, Van Nest & Peters
13 have made monetary contributions to several of the potential *cy pres* recipients. Based on a
14 review of Kecker, Van Nest & Peters’ records on its charitable contributions and sponsorships
15 from 2020 to the present, the firm has donated to EFF in the years 2020, 2021, and 2022. Google
16 often makes, and has previously made, charitable contributions to nonprofit organizations and
17 academic institutions working to address privacy concerns on the Internet. Based on reasonable
18 diligence, Google has either previously provided in the last ten years, or currently provides,
19 funding to the following organizations:

- 20 i) ACLU
21 ii) Berkman Center for Internet and Society at Harvard University
22 iii) Center for Democracy and Technology
23 iv) Connect Safely
24 v) EFF
25 vi) Future of Privacy Forum
26 vii) Yale Law School Information Society Project.

1 Because Google does not comprehensively track its charitable contributions and academic
2 funding in a centralized manner across the entirety of its organization, this list may not capture
3 the full extent of charitable contributions made by either Google or its parent company, Alphabet.

4 6. Based on reasonable diligence, I am not aware of any relationship between Google
5 or its counsel of record in this matter and the remaining potential *cy pres* recipients listed in
6 Exhibit D.

7 I declare under penalty of perjury that the foregoing is true and correct, and that I executed
8 this Declaration on September 15, 2023, in Marin County, California.

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10 By: /s/ Benjamin Berkowitz
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