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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Google Buzz User Privacy Litigation NO. C 10-00672 JW

**ORDER RE. NOMINATION PROCESS
FOR *CY PRES* RECIPIENTS**

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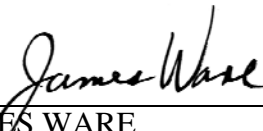
Presently before the Court is the parties’ Motion for Final Approval of Class Action Settlement (“Settlement”). (See Docket Item No. 61.) On October 7, 2010, the Court granted preliminary approval. (See Docket Item No. 50.) On February 7, 2011, the Court held a Final Fairness Hearing. Counsel for the respective parties were present.

Based on the papers submitted to date and oral argument, the Court finds that the proposed nomination process to determine *cy pres* recipients and the amounts granted to each recipient lacks the requisite specificity and oversight required to provide a reasonable benefit to the Class. Thus, the parties will nominate the *cy pres* recipients as follows:

- (a) The parties shall solicit nominations for *cy pres* organizations and amounts specified per organization. Solicitations may be, but need not be, drawn from the Class. The parties need not send notice to the Class for solicitations.
- (b) On or before **March 14, 2011**, the parties shall submit all nominations to Class Counsel.
- (c) On or before **March 28, 2011**, Class Counsel will consolidate the list and submit the *cy pres* organization and distribution amount nominations to the Court for approval prior to any disbursal.

- 1 (d) All nominations must include detailed information as to each nominated *cy pres*
2 organization as follows:
- 3 (i) Name
 - 4 (ii) Address
 - 5 (iii) Description of an established program currently undertaking policy or
6 education efforts directed specifically at Internet privacy.
 - 7 (iv) Years that the program has been established and focused on Internet privacy.
 - 8 (v) A short statement as to how the particular program will benefit the Class.
 - 9 (vi) Overall annual operating budget of the organization as a whole and the
10 specific Internet privacy or education program.
 - 11 (vii) Amount received, if any, in contributions from Google, Inc. in 2010
12 independent of this Settlement.
- 13 (e) Upon review of Class Counsel's submission, the Court shall issue Final Approval as
14 to *cy pres* distribution, including the specific *cy pres* organizations and amount
15 distributed per organization. The final approval list of *cy pres* organizations may
16 draw, but need not be drawn, entirely from the submission of nominations by Class
17 Counsel. The Court reserves the right to designate *cy pres* recipients who would
18 reasonably benefit the Class through established Internet privacy education and
19 policy programs on its own motion.
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Dated: February 16, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: February 16, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy