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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION  
21

22 IN RE GOOGLE INC. GMAIL LITIGATION

Master Docket No.: 13-MD-02430-LHK

23 THIS DOCUMENT RELATES TO:

**STIPULATION OF DISMISSAL WITH  
PREJUDICE OF ALL CLAIMS  
ASSERTED BY PLAINTIFF A.K., AS  
NEXT FRIEND OF MINOR J.K.**

24 *A.K., as Next Friend of Minor J.K. v. Google*  
25 *Inc.*, Case No. 3:12-cv-01179-PMK (S.D. Ill.)  
26  
27  
28

1 Pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1)(A)(ii), Plaintiffs A.K. as Next  
2 Friend of Minor J.K., and J.K., who attained majority on July 12, 2014 (“Stipulating Plaintiffs”)  
3 and Defendant Google Inc. (collectively, the “Parties”) hereby stipulate to dismiss with prejudice  
4 certain claims and actions as follows:

5 WHEREAS, Stipulating Plaintiffs filed an individual complaint against Google, Inc. in the  
6 United States District Court for the Southern District of Illinois, A.K., *as Next Friend of Minor*  
7 *J.K.*, Case No. 3:12-cv-01179-PMK (S.D. Ill.).

8 WHEREAS, Stipulating Plaintiffs’ complaint was transferred by the Judicial Panel for  
9 Multi-District Litigation to Judge Lucy H. Koh of the Northern District of California (the  
10 “Court”) for coordinated proceedings entitled, *In re: Google Inc. Gmail Litigation* (“MDL  
11 2430”), Case No. 5:13-MD-02430-LHK.

12 WHEREAS Stipulating Plaintiffs subsequently filed, along with other plaintiffs in the  
13 multi-district litigation, a Consolidated Individual and Class Action Complaint.

14 WHEREAS, Stipulating Plaintiffs subsequently filed, along with other plaintiffs in the  
15 multi-district litigation, a Consolidated Motion for Class Certification seeking certification of  
16 various classes. On March 18, 2014, the Court denied the class certification motion with  
17 prejudice, and Stipulating Plaintiffs, along with other plaintiffs in the multi-district litigation,  
18 sought interlocutory review under Federal Rule of Civil Procedure 23(f). On May 12, 2014, the  
19 Ninth Circuit Court of Appeals denied the Rule 23(f) petition.

20 WHEREAS, Stipulating Plaintiffs and Google have each considered the uncertainties of  
21 further litigation, trial, and potential appeals in this matter; the costs, risks, and delays associated  
22 with the litigation process; and the benefits of the proposed settlement; and the Parties have  
23 entered into a settlement agreement to resolve their disputes.

24 WHEREAS Plaintiff J.K. turned 18 years of age on July 12, 2014, attaining majority, and  
25 has executed the settlement agreement.

26 WHEREAS, this stipulation does not concern any claims other than those of Stipulating  
27 Plaintiffs.

1 WHEREAS Google does not admit any liability or wrongdoing of any kind and to the  
2 contrary disputes all claims and allegations in Stipulating Plaintiffs' individual and consolidated  
3 actions.

4 IT IS HEREBY STIPULATED:

5 (1) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that the causes of  
6 actions and claims of the Stipulating Plaintiffs as originally filed by them in *A.K.,*  
7 *as Next Friend of Minor J.K.*, Case No. 3:12-cv-01179 (S.D. Ill.), are dismissed  
8 with prejudice, and that the matter be dismissed in its entirety.

9 (2) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that the causes of  
10 action and claims of the Stipulating Plaintiffs as alleged in Plaintiffs' First  
11 Amended Consolidated Individual and Class Action Complaint or as otherwise  
12 asserted in *In re: Google Inc. Gmail Litigation* ("MDL 2430"), Case No. 5:13-  
13 MD-02430- LHK are dismissed with prejudice, and that the matter be dismissed  
14 in its entirety.

15 IT IS SO STIPULATED, THROUGH COUNSEL.

16  
17 Dated: July 14, 2014

KERR & WAGSTAFFE LLP

18  
19 By: /s/ Michael K. Ng  
Michael K. Ng.  
20 *Plaintiffs' Counsel*

21  
22  
23 Dated: July 14, 2014

COOLEY L.L.P.

24 By: /s/ Whitty Somvichian  
Whitty Somvichian  
25 *Plaintiffs' Counsel*

26  
27 *Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Michael K. Ng*  
28 *hereby attests that concurrence in the filing of this document has been obtained.*