

1 LARRY C. RUSS (SBN 82760)  
l russ@raklaw.com  
2 RUSS AUGUST & KABAT  
12424 Wilshire Boulevard, 12th Floor  
3 Los Angeles, California 90025  
Telephone: (310) 826-7424  
4 Facsimile: (310) 826-6991

5 MICHAEL W. SOBOL (SBN 194857)  
msobol@lchb.com  
6 NICHOLAS R. DIAMAND (*Pro Hac Vice*)  
ndiamand@lchb.com

7 MELISSA GARDNER (SBN 289096)  
mgardner@lchb.com

8 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
9 San Francisco, CA 94111  
Telephone: (415) 956-1000  
10 Facsimile: (415) 956-1008

11 *Attorneys for Plaintiffs Paul Perkins, Pennie Sempell,*  
12 *and Clare Connaughton*

DORIAN S. BERGER (SBN 264424)  
dberger@olavidunne.com  
DANIEL P. HIPSKIND (SBN 266763)  
dhipskind@olavidunne.com  
OLAVI DUNNE LLP  
445 S. Figueroa St., Ste. 3170  
Los Angeles, California 90071  
Telephone: (213) 516-7900  
Facsimile: (213) 516-7910

*Attorneys for Plaintiffs Ann Brandwein,*  
*Erin Eggers, Nicole Crosby, Jake*  
*Kushner, Leslie Wall, and Natalie*  
*Richstone*

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

17 PAUL PERKINS, PENNIE SEMPELL, ANN  
18 BRANDWEIN, ERIN EGGERS, CLARE  
CONNAUGHTON, JAKE KUSHNER,  
19 NATALIE RICHSTONE, NICOLE  
CROSBY, and LESLIE WALL, individually  
20 and on behalf of all other similarly situated,

21 Plaintiffs,

22 v.

23 LINKEDIN CORPORATION,

24 Defendant.

Case No. 13-CV-04303-LHK

**DECLARATION OF LARRY C. RUSS  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Judge: Hon. Lucy H. Koh

1 I, Larry C. Russ, declare as follows:

2 1. I am an attorney duly admitted to practice before all the courts of the State of  
3 California. I am a partner with the law firm Russ August and Kabat (“RAK”), and I am one of  
4 the attorneys of record for Plaintiffs Paul Perkins, Pennie Sempell, and Clare Connaughton  
5 (“Plaintiffs”). This Declaration is based upon my personal knowledge and is made in support of  
6 Preliminary Approval of the Settlement reached with Defendant, LinkedIn Corporation. If called  
7 as a witness to this matter, I could truthfully and competently testify as to all matters stated herein.

8 2. My firm has substantial experience in litigating complex intellectual property,  
9 antitrust, unfair competition, and similarly complex matters, which includes serving in numerous  
10 leadership positions and securing tens of millions of dollars in benefits for plaintiffs. Two  
11 representative matters include (a) *Ocean Mission Park v. Taheripour*, No. SC 104571 (Cal.  
12 Super.), RAK achieved an eight figure actual damages, treble damages and punitive damages  
13 fraud and conspiracy judgment for plaintiffs who were defrauded into purchasing certain  
14 improved and leased commercial real property, and (b) *In Clear With Computers LLC v. Hyundai*  
15 *Motor America Inc.*, No. 09-00479 (E.D. Tex.), RAK along with co-counsel, represented the  
16 plaintiff in a case alleging patent infringement, achieving a favorable jury verdict of \$11.5 million.

17 3. Prior to filing the initial Complaint in this Action, Dorian Berger and Daniel  
18 Hipskind, who at the time were associates at RAK under my supervision, conducted a detailed  
19 investigation, including reviewing and analyzing LinkedIn’s website, LinkedIn’s marketing  
20 materials, LinkedIn financial statements, and LinkedIn’s terms of service including the LinkedIn  
21 privacy policy and user agreement. In addition, we conducted testing of the LinkedIn website to  
22 analyze how LinkedIn’s “Add Connections” feature was implemented on the website. We  
23 investigated how LinkedIn communicated with LinkedIn members using its mechanisms for  
24 collecting email addresses from its users’ third-party email accounts. We spoke with numerous  
25 LinkedIn users about their experiences with LinkedIn’s website and reviewed publicly-available  
26 reports by users regarding their experience. Our analysis of the LinkedIn website formed the  
27 basis of the initial complaint in this Action.

28

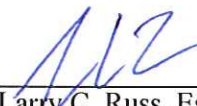
1           4.       Prior to the appearance of Lief Cabraser Heimann & Bernstein (“LCHB”) as co-  
2 counsel in August, 2014, we successfully briefed and argued the Plaintiffs’ opposition to  
3 LinkedIn’s first motion to dismiss, and actively sought, and obtained, relevant discovery from  
4 Defendant. Following LCHB’s appearance, my firm continued to play a critical role in briefing  
5 and arguing in opposition to LinkedIn’s second motion to dismiss, in drafting the Second and  
6 Third Amended Complaints, continuing the discovery process, and in mediating a favorable  
7 resolution to this case.

8           5.       In sum, as reflected by RAK’s relevant experience and our efforts to date in this  
9 action, RAK consists of attorneys who are well-versed, experienced, and dedicated to prosecuting  
10 the claims alleged against Defendant in the best interests of all Plaintiffs and the proposed Class.

11           6.       I believe the settlement reached in this case represents a fair, adequate and  
12 reasonable result for the Class.

13           I declare under the penalty of perjury under the laws of the United States of America that  
14 the foregoing is true and accurate.

15           Executed this 11th day of June, 2015 in Los Angeles, California.

16  
17   
\_\_\_\_\_  
18 Larry C. Russ, Esq.