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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

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

22 Plaintiffs,

23 v.

24 LINKEDIN CORPORATION,

25 Defendant.

Case No. 13-CV-04303-LHK

**DECLARATION OF DORIAN S.
BERGER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Judge: Hon. Lucy H. Koh

1 I, Dorian S. Berger, 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 Olavi Dunne LLP (“Olavi Dunne”), and I am one of
4 the attorneys of record for Plaintiffs Ann Brandwein, Erin Eggers, Nicole Crosby, Jake Kushner,
5 Leslie Wall, and Natalie Richstone (“Plaintiffs”). This Declaration is based upon my personal
6 knowledge and is made in support of Preliminary Approval of the Settlement reached with
7 Defendant, LinkedIn Corporation. If called as a witness to this matter, I could truthfully and
8 competently testify as to all matters stated herein.

9 2. I have been actively and personally involved in every aspect of this litigation since
10 its inception.

11 3. My firm has substantial experience in intellectual property litigation, unfair
12 competition litigation, data privacy litigation and similarly complex matters. The attorneys at
13 Olavi Dunne have degrees in physics, mechanical engineering, and other areas. The firm’s case
14 inventory, which includes patent, trademark, and copyright litigation matters in addition to class
15 action cases, is a perfect mixture of inspiring cases that creates a well-funded firm that allows us
16 to fulfill our fiduciary duties to our clients with the highest standard of care.

17 4. Prior to filing suit against LinkedIn, Daniel P. Hipskind and I conducted a detailed
18 investigation, including reviewing and analyzing LinkedIn’s website, LinkedIn’s marketing
19 materials, LinkedIn financial statements, LinkedIn’s purported terms of service including the
20 LinkedIn privacy policy and user agreement. In addition, we conducted testing of the LinkedIn
21 website to analyze how LinkedIn’s “Add Connections” feature was implemented on the website.
22 Mr. Hipskind and I investigated how LinkedIn communicated with LinkedIn members using its
23 mechanisms for collecting email addresses from its users’ third-party email accounts. Mr.
24 Hipskind and I spoke with numerous LinkedIn users about their experiences with LinkedIn’s
25 website and we reviewed publicly-available reports by users regarding their experience. Our
26 analysis of the LinkedIn website formed the basis of the initial complaint against LinkedIn.

27 5. Attorneys at Olavi Dunne, including me, have conducted ongoing factual
28 investigations of LinkedIn’s Add Connections feature. Our ongoing investigation has included

1 continued testing of the LinkedIn website, monitoring changes to LinkedIn's terms of service
2 (e.g., LinkedIn's privacy policy), financial statements from LinkedIn germane the Add
3 Connections feature, modifications to LinkedIn's disclosures relating to the Add Connections
4 feature, including disclosures relating to LinkedIn's harvesting of email addresses from the third-
5 party email accounts of LinkedIn members, and LinkedIn's practice of sending reminder emails
6 to its members.

7 6. Although the parties were able to reach a tentative settlement in January 2015,
8 there was significant work in finalizing the agreement. Our firm conducted extensive factual
9 analysis relating to the impact of the proposed injunctive relief on LinkedIn users and the efficacy
10 of the proposed settlement fund. In addition, I have worked with the proposed settlement
11 administrator, Gilardi & Co. LLC, to design an effective notice plan that will result in a fair,
12 adequate and reasonable outcome to the class.

13 7. As counsel for a majority of the plaintiffs we worked closely with our clients to
14 finalize a settlement that was fair, adequate and reasonable. Plaintiffs Ann Brandwein, Erin
15 Eggers, Nicole Crosby, Jake Kushner, Leslie Wall, and Natalie Richstone support the settlement.

16 8. As attorneys that are now at Olavi Dunne drafted the initial complaint, have been
17 involved in all aspects of the case to the present time, and have extensive experience in the
18 practices of Linked and related technology, Olavi Dunne is well qualified to represent the
19 Settlement Class.

20 9. As reflected by Olavi Dunne's background and efforts to date in this action, Olavi
21 Dunne consists of attorneys who are well-versed in the facts of this case, the legal issues at hand,
22 and are dedicated to prosecuting the claims alleged against LinkedIn in the best interests of all
23 plaintiffs and the proposed Class.

24 10. I believe the settlement reached in this case represents a fair, adequate and
25 reasonable result for the Class.

26 I declare under the penalty of perjury under the laws of the United States of America that
27 the foregoing is true and accurate.
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Executed this 11th day of June, 2015 in Los Angeles, California.

/s/ Dorian S. Berger
Dorian S. Berger, Esq.