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12 *Class Counsel*

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

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

19 Plaintiffs,

20 v.

21 LINKEDIN CORPORATION,

22 Defendant.

Case No. 13-CV-04303-LHK

**DECLARATION OF NATHAN D.
MEYER REGARDING COMPLIANCE
WITH NOTICE REQUIREMENTS IN
SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Judge: Hon. Lucy H. Koh
Date: February 11, 2016
Time: 1:30 p.m.
Location: Courtroom 8 – 4th Floor

23 I, Nathan D. Meyer, hereby declare:

24 1. I am a partner in the law firm of Russ August & Kabat, PC (“RAK”) which,
25 together with Lieff Cabraser Heimann & Bernstein, LLP (“LCHB”), and Olavi Dunne LLP,
26 represents the plaintiffs in this action (collectively, “Class Counsel”). I am a member in good
27 standing of the California bar. I submit this Declaration in support of the Plaintiffs’ Motion for
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1 Final Approval of Class Action Settlement. I have personal knowledge of the matters set forth
2 herein, and could and would testify competently thereto if called upon to do so.

3 **QUALIFICATIONS AND ASSIGNMENTS OF RAK ATTORNEYS AND STAFF**

4 2. I have 10 years of experience in complex litigation. I was admitted to the state bar
5 of California in 2005. I have handled numerous cases concerning a wide array of issues
6 involving, among other things, complex business and/or contractual disputes, class actions,
7 business torts, unfair competition matters, intellectual property issues, including patent and
8 trademark disputes, in both state and federal courts. Respectfully, based upon my experience in
9 complex litigation, I endorse this Settlement as fair, reasonable, and adequate.

10 3. During the claims processing period (on and after October 2, 2015) I was in charge
11 of day-to-day management of RAK's side of the case, including communications with Class
12 Members and anyone else contacting RAK about the case.

13 4. Pursuant to the Court's Order Granting Preliminary Approval of the Proposed
14 Settlement, Directing Notice to Class and Setting Final Approval Hearing ("Preliminary Approval
15 Order) (Dkt. No. 106), direct notice in the form of email notice went to all Class Members. The
16 initial e-mail sent to Class Members on October 2, 2015 ("Email Notice") contained four methods
17 of communication. Class Members could communicate by mail, e-mail, or through a website
18 operated by Gilardi & Co. There was also a single phone number, (310) 826-7474, which was
19 Russ August & Kabat's main line. The addconnectionssettlement.com website likewise listed
20 this number beginning on or about October 2, 2015. We later (on and after October 21, 2015)
21 established a dedicated voice mailbox for Class Member inquiries and all appropriate calls were
22 channeled to that number and forwarded to Gilardi & Co, LLC.

23 5. All mail that RAK received from Class Members was forwarded by e-mail to
24 LCHB, which responded to communications directly.

25 6. This declaration thus relates primarily to phone communications.

26 7. As set forth in the concurrently filed declaration of Daniel Burke, Gilardi & Co,
27 LLC ("Gilardi") managed the website and e-mails sent by class members.

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1 8. After Email Notice was sent to Class Members on October 2, 2015, large numbers
2 of individuals (albeit a tiny percentage of the 20 million Class Members who received Email
3 Notice) began calling the Russ August & Kabat number to ask questions about the case. We
4 estimate that between October 2, 2015 and the end of 2015, Russ August & Kabat answered on
5 the order of 10,000 calls from Class Members, and several thousand voicemails were received
6 after hours. The bulk of these came in the first ten days following dissemination of Email Notice
7 on October 2, 2015.

8 9. I supervised a team of five legal assistants who were tasked with responding to
9 Class Members' questions. Two additional legal assistants who are fluent in Spanish were also
10 made available.

11 10. Class Members' questions evolved over the course of the fourth quarter of 2015,
12 and I generally prepared staff to respond to questions.

13 11. On the first day (October 2), most of the questions from Class Members related to
14 the addconnectionssettlement.com website, which was experiencing technical difficulties for a
15 short time. I provided staff members with updates based on my communications with Gilardi,
16 and updates were provided to callers as the afternoon progressed.

17 12. After the first day, the bulk of the subjects of phone calls from callers in relation to
18 the case (only some of whom appeared to be Class Members) were (1) requests for a summary of
19 the case, (2) individuals who thought the email meant they were being sued, (3) people who
20 needed to be walked through the claims filing process over the phone, (4) people who had not
21 correctly entered the claim number into the claims website, (5) people concerned about the
22 security of their LinkedIn accounts, (6) people who had complaints about having been harassed or
23 threatened through LinkedIn (or often services completely unrelated to the matters at issue in the
24 settlement), (7) people who were not sure if they were Class Members, (8) people that were
25 confused by the wording of the Email Notice, (9) people complaining about the amount of money
26 they expected to receive as part of the Settlement being too small, and (10) people asking
27 questions about *In re LinkedIn User Privacy Litigation*, a case against LinkedIn otherwise
28 unrelated to this one.

1 13. In response to all calls, callers were generally referred to the
2 addconnectionssettlement.com website, particularly the section entitled “Frequently Asked
3 Questions.” Additional information was required, as described below.

4 14. In response to callers’ inquiries regarding requests for a summary of the case, oral
5 summaries of the case from the Frequently Asked Questions section of the settlement website
6 were provided. The overwhelming majority of these callers appeared to be individuals who were
7 unwilling, unable, or simply uncomfortable processing large volumes of text, and preferred to
8 speak with a human being. Simply reading off the summaries from the website appeared to
9 satisfactorily assist most of these callers.

10 15. In response to callers’ inquiries regarding whether the Email Notice meant they
11 were being sued, they were told that the email did not mean they were being sued.

12 16. In response to callers’ inquiries regarding help with the claim process, callers were
13 orally walked through the claim submission process on the Settlement website.

14 17. In response to people whose claim number did not work, they were asked to try
15 again. If that did not work, they were advised to email Gilardi at
16 info@addconnectionssettlement.com with their problem.

17 18. In response to callers’ questions about the security of their LinkedIn accounts and
18 threats of hacking, callers were informed that this case did not relate to that issue.

19 19. In response to callers’ questions about being threatened or harassed by third parties
20 through LinkedIn (or through social networks more generally) they were advised that our case did
21 not relate to that issue, and were advised to consult their own counsel (or the police, if they felt
22 appropriate).

23 20. In response to callers’ questions about whether they were Class Members (this
24 related to individuals who had received Email Notice, but were not sure if they were technically
25 members) they were directed to the instructions on the Settlement website.

26 21. In response to people who were confused by the wording of the Email Notice,
27 callers were directed to the Frequently Asked Questions section of the Settlement Website, or
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1 portions of the Email Notice were read or re-read to them. Large numbers of callers appeared to
2 have simply wanted to hear the document read out loud.

3 22. In response to callers preemptively complaining about the possible amount of the
4 per Class Member claim, they were referred to information on the Settlement Website.

5 23. In response to callers with questions about the *In re LinkedIn User Privacy*
6 *Litigation* (an unrelated litigation), callers were directed to
7 www.linkedinclassactionsettlement.com, the website associated with the settlement of that matter.

8 24. A few weeks after Email Notice went out, RAK began receiving calls inquiring
9 about the status of settlement. In response to those calls, RAK explained the current status of the
10 settlement at the time of the response, with specific reference to upcoming filing deadlines.

11 25. For difficult questions or when a lawyer was requested, I fielded calls
12 (approximately 5-10 calls a week). Generally-speaking, I responded to three categories of
13 questions.

14 26. Some callers were concerned about whether they could allege harm under penalty
15 of perjury. I referred callers to the language stating that they needed to “believe” they were
16 harmed, and to the Settlement Website generally.

17 27. I fielded calls from individuals claiming to be Class Members, who demanded to
18 speak to an attorney and generally objected to the concept of class actions and the idea of class
19 counsel receiving a fee. In fielding these calls, I referred the callers to case documents.

20 28. I had at least one call from a caller who wished to exclude herself from the class.
21 A police report had been filed against her (for violating a restraining order) after an “Add
22 Connections” email was sent to another individual. I advised her to consult her own counsel, and,
23 as I understand it, she appears to have filed a request to be excluded from the Settlement.


24 29. As the claims filing deadline approached, RAK staff members informed all callers
25 of the upcoming claim deadline (December 14, 2015).

26 30. During hours when our offices were closed, incoming calls were sent to voicemail
27 for which there was an appropriate message addressing this Settlement. All voicemails were
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1 either transcribed or directly downloaded and sent on to Gilardi for response. Gilardi has
2 confirmed that all voicemails were responded to.

3 31. After October 21, 2015, RAK set up a direct dedicated voicemail line that I
4 modified as key dates approached or passed. Voicemails were electronically sent to Gilardi, who
5 processed them, as noted in the Declaration of Daniel Burke. RAK also continued and continues
6 to receive calls from callers relating to the Settlement.

7 I declare under penalty of perjury that the foregoing is true and correct and that this
8 Declaration was signed in Los Angeles, California on January 14, 2016.

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11 NATHAN D. MEYER

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