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Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,
JULIAN SANTIAGO, and SUSAN LYNN
HARVEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

SUSMAN GODFREY L.L.P.

Bill Carmody (admitted *pro hac vice*)
Shawn J. Rabin (admitted *pro hac vice*)
Steven M. Shepard (admitted *pro hac vice*)
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Case No. 3:20-cv-04688-RS

**DECLARATION OF MARK MAO ISO
PLAINTIFFS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

Judge: Hon. Richard Seeborg
Hearing Date: August 13, 2026, at 1:30 p.m.
Courtroom 3 – 17th Floor

DECLARATION OF MARK MAO

I, Mark Mao, declare as follows:

1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney at law, duly licensed to practice before all courts of the State of California. Except as otherwise stated, I have personal knowledge of the matters set forth herein, and I would and would testify competently thereto if called upon to do so.

2. I was personally and actively involved in every stage of this case, including the prefiling investigation.

3. Prior to filing suit, other lawyers from my firm and I worked with experts to uncover the at-issue data collection.

4. During discovery, Plaintiffs served Google with 285 document requests, 25 interrogatories, and 52 requests for admission. The parties negotiated these requests by exchanging more than 35 formal letters, countless emails, and by conducting dozens upon dozens of meet-and-confers. Google ultimately produced over 2 million pages of documents. Google also produced gigabytes of data. As explained by Plaintiffs' technical expert Dr. Jonathan Hochman, that data, if printed on regular paper, would exceed the height of a 30-story building. Trial Tr. 616:2-6 (Hochman).

5. Google served each Class Representative with at least 7 interrogatories, 41 requests for production, and 36 requests for admission, such that Class Counsel served responses to over 250 discovery requests directed at the Class Representatives, in coordination of the Class Representatives.¹ Each Class Representative also sat for a full-day deposition.

6. This case included 9 testifying experts (5 for Plaintiffs and 4 for Google), all of whom provided at least one expert report and all but one of whom sat for deposition. Altogether, the parties exchanged 14 expert reports, totaling almost 2,000 pages, plus voluminous data analysis spreadsheets prepared by both sides.

¹ This figure does not include the hundreds of discovery requests served on and responded to by formerly named plaintiffs in this case.

1 7. Plaintiffs filed their class certification motion on July 20, 2023 (Dkt. 315), and the
2 submissions on this motion, including Google’s opposition and Plaintiffs’ reply, totaled over 1,900 pages.

3 8. Google moved for summary judgment on April 4, 2024, seeking judgment on all claims.
4 Dkt. 383. The submissions on this motion (including Plaintiffs’ opposition and Google’s reply) totaled
5 over 2,000 pages.

6 9. To prepare for trial, Class Counsel conducted two in-person focus group exercises and one
7 remote user survey, which helped us better understand how jurors would react to the case.

8 10. The rest of this declaration addresses particular experts, with whom I worked closely: Avia
9 Global Consulting Corporation, Analysis & Research, Inc., 233 Analytics, LLC and JE Hochman &
10 Associates LLC. I will briefly address their costs and significant contributions.

11 **I. Avia Global Consulting Corporation**

12 11. I understand that Dr. Lillian Dai is the owner and Principal Consultant of Avia Global
13 Consulting Corporation (“Avia”), where she has provided technical consulting expert services for
14 technology-based litigation for over a decade, including for litigations involving data privacy, Internet
15 technologies, online advertising, cybersecurity, AI, mobile devices/chipsets/apps, and wired and wireless
16 technologies. I also understand that prior to her work in consulting, Dr. Dai had over 15 years of research
17 experience in wireless and satellite networks, vehicular communications, and sensor systems. I understand
18 that Dr. Dai holds a PhD in Electrical Engineering from MIT and is a co-inventor of 20 issued US patents.

19 12. Class Counsel retained Dr. Dai and Avia to provide technical expertise in technical
20 document review, data analysis, app testing, technical discovery assistance, report writing, and deposition
21 and trial support.

22 13. I understand that Avia billed their time and provided invoices. I understand the invoices
23 were paid through a joint litigation fund administered by our firm, Boies Schiller Flexner.

24 14. The costs associated with Avia’s work totaled **\$949,996.67**. These costs relate to **2,204.04**
25 **hours** of work performed between July 2020 and January 2026. Avia’s work during each phase of the
26 litigation is summarized in the following table:

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Table 1: Avia's Hours and Fees & Expenses

Litigation Phase	Hours	Fees & Expenses
Preparation of Complaint (through Jul. 2020)	-	\$0.00
Motion to Dismiss (Aug. 2020 - May 2021)	-	\$0.00
Fact Discovery (Jun. 2021 - Oct. 2022)	532.58	\$239,662.50
Expert Discovery (Nov. 2022 - Jul. 2023)	742.17	\$333,975.00
Class Certification (Aug. 2023 - Oct. 2023)	32.34	\$14,550.00
Notice & Summary Judgment (Nov. 2023 - Jul. 2024)	80.39	\$23,302.20
Trial Preparation (Aug. 2024 - Jul. 2025)	350.07	\$124,937.40
Trial (Aug. 2025 - Sep. 2025)	395.23	\$157,830.14
Post-Trial Proceedings (Oct. 2025 - Jan. 2026)	71.26	\$55,739.43
Total	2,204.04	\$949,996.67

15. Below I summarize Avia's work during the various phases of the case.

16. **Fact Discovery.** Avia's work on the case began during fact discovery. Avia began reviewing technical documents produced by Google and supervised Concur IP's technical document review to gain technical understanding of Google's data collection, logging and usage infrastructure as well as Google's WAA/sWAA control functions. Avia worked with 233 Analytics to analyze produced data logs from Google to gain further insights into Google's data storage logs and type of information logged. Avia also worked with 233 Analytics to develop test plans of certain apps that contain Google SDKs in order to assess the corresponding logged data from Google. Avia shared understandings of Google's logging and privacy infrastructure with technical and damages testifying experts and conducted technical analyses under the guidance of the technical testifying expert. Avia helped counsel to formulate and review discovery requests aimed at the disclosure of documents and information useful in understanding Google's infrastructure and privacy settings. Avia also helped counsel to prepare for depositions of Google witnesses who may have knowledge about technology-related issues. Avia made material contributions to counsel's effort to build a factual record that includes information necessary to support privacy violation allegations.

17. **Expert Discovery.** Avia performed a significant amount of work during expert discovery. Avia assisted the technical and damages testifying experts with their opening reports. Avia also reviewed and analyzed rebuttal expert reports offered by Google's experts. This work was of great assistance in counsel's preparation for depositions of Google's experts. Avia also assisted in preparing the technical

1 and damages testifying experts for their depositions. In addition, Avia assisted with lingering fact
2 discovery issues, including data analysis, app test result analysis, and review of additional produced log
3 data fields.

4 18. **Class Certification.** Avia analyzed Google’s *Daubert* briefs and provided input on a
5 response to Google’s characterizations of Mr. Lasinski’s opinions. Avia performed research on Google’s
6 advertising payment models, reviewed Google documents and assisted with demonstratives

7 19. **Notice & Summary Judgment.** Avia assisted with document review and testing
8 pertaining to impacted users, including children and enterprise users. Avia also assisted the legal team
9 with technical aspects of the briefing on Google’s motion for summary judgment.

10 20. **Trial Preparation.** Avia assisted the legal team in preparation for trial. This included
11 working with counsel to prepare for witness examinations, to prepare demonstratives, and other tasks
12 touching a wide range of tasks and subjects generally related to the technical aspects of this case.

13 21. **Trial.** Avia also played an important role at trial. Avia assisted with trial preparation,
14 providing legal team and testifying experts with technical document and data evidence.

15 22. **Post-Trial Proceedings.** Finally, I understand that Avia continued to provide substantial
16 support to counsel during proceedings after the jury rendered its verdict, and in particular in connection
17 with briefing on the requested injunction and technical support for Dr. Hochman’s declaration.

18 **II. Analysis & Research, Inc.**

19 23. I understand that Mr. Bhatia is an executive at Analysis & Research, Inc. (“Analysis &
20 Research”), where he works full time as a technology expert on intellectual property litigation matters.
21 Over the course of his career, Mr. Bhatia has been retained in more than 140 IP litigations involving patent
22 infringement, copyright, privacy, and trade secrets, and has worked with approximately 40 AmLaw 100
23 firms representing clients across a wide range of technologies, including telecommunications (cellular,
24 Internet of Things, and mobility management (3GPP)), web technologies (applications, operating systems,
25 and systems), artificial intelligence and generative AI, commercial and enterprise software, and television
26 platforms. Mr. Bhatia has made significant technical contributions that have directly resulted in more than
27 \$2 billion in financial benefits for clients and has participated throughout the full lifecycle of IP litigation,
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1 including patent portfolio analysis, target identification, Rule 11 chart preparation, pleading support,
 2 infringement and invalidity contentions, document discovery, technical strategy development,
 3 experimentation, source code review, expert report preparation, and trial support.

4 24. Class Counsel retained Mr. Bhatia to work closely with Plaintiffs' retained expert,
 5 Dr. Jonathan Hochman, in developing the testing strategy and plans for the accused instrumentalities.
 6 Mr. Bhatia prepared exemplar applications utilizing the accused instrumentalities on targeted platforms,
 7 including iOS, Android, and web-based environments, conducted experiments using custom-developed
 8 applications on those platforms, and analyzed the resulting data for inclusion in the expert reports.
 9 Mr. Bhatia also collaborated with other experts to discuss, synthesize, and present the experimental
 10 findings reflected in the expert reports.

11 25. I understand that Analysis & Research billed time and provided invoices. I understand the
 12 invoices were paid through a joint litigation fund administered by our firm, Boies Schiller Flexner.

13 26. Costs associated with Analysis & Research's work totaled **\$106,899.36**, which includes
 14 **420** hours of work. Analysis & Research, Inc.'s work during each phase of the litigation is summarized in
 15 the following table:

16 **Table 2: Analysis & Research, Inc.'s Hours and Fees & Expenses**

Litigation Phase	Hours	Fees & Expenses
Preparation of Complaint (through July 2020)	0	\$0
Motions to Dismiss (Aug. 2020 – May 2021)	62	\$14,112.50
Fact Discovery (June 2021 – Oct. 2022)	44.5	\$10,000
Expert Discovery (Nov. 1, 2022 – July 2023)	310.50	\$81,961.86
Class Certification (Aug. 2023 – Oct. 2023)	3	\$825
Notice & Summary Judgment (Nov. 2023 – July 2024)	0	\$0
Trial Preparation (Aug. 2024 – July 2025)	0	\$0
Trial (Aug. 2025 – Sep. 2025)	0	\$0
Post-Trial Proceedings (Oct. 2025 – Jan. 2026)	0	\$0
Total	420	\$106,899.36

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 25 27. Below I summarize Analysis & Research, Inc.'s work during the various phases of the
 26 case.

27 28. **Motion to Dismiss.** Analysis & Research's work on the case began in the Motion to
 28 Dismiss phase. Analysis & Research conducted targeted technical investigation to support the pleadings

1 and opposition briefing. This work included researching Google’s product history, Firebase architecture
2 and SDK usage, and the integration between Firebase, Google Ads, iOS, and Android applications;
3 identifying and compiling lists of widely used applications incorporating Firebase components; and
4 analyzing technical documents relevant to Google’s data-collection practices. Mr. Bhatia coordinated
5 closely with the trial team through meetings and written communications, refined technical findings based
6 on ongoing discussions, and provided research and analysis that informed the factual allegations and legal
7 arguments advanced in response to Google’s motions to dismiss.

8 29. **Fact Discovery.** During fact discovery, Analysis & Research conducted in-depth technical
9 analysis to support discovery strategy and expert development. Mr. Bhatia coordinated extensively with
10 the counsel team through conferences and written communications, reviewed discovery-related filings,
11 and provided technical analysis that informed discovery requests and ongoing factual development.

12 30. **Expert Discovery.** Analysis & Research’s largest contribution occurred at the expert
13 discovery phase. Analysis & Research supported Plaintiffs’ expert analysis through extensive hands-on
14 testing, technical experimentation, and close coordination with the expert teams. This work, under the
15 direction and supervision of Plaintiffs’ expert, Dr. Hochman, included developing and iterating custom
16 test applications, conducting repeated experiments across multiple devices and platforms, capturing and
17 analyzing data from Google Analytics and Firebase dashboards, and troubleshooting technical and
18 account-level issues affecting testing.

19 31. **Class Certification.** Analysis & Research conducted limited work during this phase of the
20 case. This included reviewing and analyzing expert rebuttal report, coordinating with counsel to address
21 issues raised by Google’s experts, and providing technical support to ensure briefing accurately reflected
22 the underlying testing and analysis relevant to class certification.

23 **III. 233 Analytics**

24 32. I understand that Mr. Thompson is the founder and principal consultant of 233 Analytics,
25 LLC (“233 Analytics”), where he has provided technical consulting and expert services in intellectual
26 property and complex technology litigation since 2010. Mr. Thompson holds a Bachelor of Engineering
27 in Computer Engineering from Vanderbilt University, with a minor in Engineering Management, and has
28 an extensive academic background that includes peer-reviewed journal articles, conference publications,

1 and awarded research papers in mobile systems, software performance, and distributed computing. Over
 2 more than a decade, Mr. Thompson has served as a technical consultant and expert in numerous litigations
 3 across federal and state courts and the U.S. International Trade Commission, with subject-matter expertise
 4 spanning mobile and web technologies, data analytics, privacy and tracking technologies, cloud
 5 computing, AI-enabled systems, telecommunications, and enterprise software. Through 233 Analytics,
 6 Mr. Thompson has supported the full lifecycle of litigation, including technical investigation,
 7 experimental design and execution, source-code analysis, expert report development, deposition and trial
 8 support, and testimony, drawing on his prior experience as a CTO, product executive, and software
 9 architect in both commercial and research settings.

10 33. Class Counsel retained Mr. Thompson to perform technical analysis of Google's Firebase,
 11 Google Analytics, AdMob systems, and to assist in the review and interpretation of highly technical
 12 documents and data produced in this action. Working under the direction of Plaintiffs' retained expert, Dr.
 13 Jonathan Hochman, Mr. Thompson supported the testing conducted in this matter and assisted with the
 14 preparation of Dr. Hochman's expert report and testimony.

15 34. I understand that 233 Analytics billed time and provided invoices. I understand the invoices
 16 were paid through a joint litigation fund administered by our firm, Boies Schiller Flexner.

17 35. Costs associated with 233 Analytics' work totaled **\$444,566.14**, which includes **1,669.02**
 18 hours of work. 233 Analytics' work during each phase of the litigation is summarized in the following
 19 table:

20 **Table 3: 233 Analytics' Hours and Fees & Expenses**

Litigation Phase	Hours	Fees & Expenses
Preparation of Complaint (through July 2020)	0	\$0
Motions to Dismiss (Aug. 2020 – May 2021)	18.6	\$5,665
Fact Discovery (June 2021 – Oct. 2022)	847.8	\$235,940.61
Expert Discovery (Nov. 1, 2022 – July 2023)	428	\$107,266.63
Class Certification (Aug. 2023 – Oct. 2023)	0	\$0
Notice & Summary Judgment (Nov. 2023 – July 2024)	60.4	\$14,744.50
Trial Preparation (Aug. 2024 – July 2025)	8.3	\$2,539.50
Trial (Aug. 2025 – Sep. 2025)	176.5	\$46,775.10
Post-Trial Proceedings (Oct. 2025 – Jan. 2026)	129.42	\$31,634.80
Total	1669.02	\$444,566.14

28 36. Below I summarize 233 Analytics' work during the various phases of the case.

1 37. **Motion to Dismiss.** 233 Analytics’ work on the case began in the Motion to Dismiss phase.
2 233 Analytics conducted targeted technical investigation to support the pleadings and opposition briefing.
3 This work included researching Google’s product history, Firebase architecture and SDK usage, and the
4 integration between Firebase, Google Ads, iOS, and Android applications. 233 Analytics coordinated
5 closely with counsel as they drafted the factual allegations and legal arguments advanced in response to
6 Google’s motions to dismiss.

7 38. **Fact Discovery.** 233 Analytics’ largest contribution came during fact discovery, where it
8 conducted in-depth technical analysis and experiments to support discovery strategy and expert
9 development. 233 Analytics reviewed technical documents produced by Google and worked with Avia to
10 analyze Google’s data collection, logging, and usage infrastructure, including Google’s WAA/sWAA
11 control functions. In coordination with Avia, 233 Analytics analyzed produced Google data logs to gain
12 insight into the nature of Google’s data storage practices and the types of information logged, and
13 collaborated on the development of test plans for applications incorporating Google SDKs to assess
14 corresponding logged data. 233. Through these efforts, 233 Analytics made material contributions to the
15 development of a factual record supporting Plaintiffs’ privacy violation allegations.

16 39. **Expert Discovery.** During the expert discovery phase, 233 Analytics shared technical
17 findings with Avia, Class Counsel, and testifying experts, conducted technical analyses under the direction
18 of the technical testifying expert, and assisted counsel with expert-related discovery strategy and
19 deposition preparation concerning Google’s technology. 233 Analytics also provided data analysis and
20 technical support for Dr. Hochman’s expert reports and deposition testimony.

21 40. **Notice & Summary Judgment.** 233 Analytics continued to assist with technical document
22 review and related issues. Analytics also provided technical analysis and input to Class Counsel in support
23 of summary judgment briefing concerning Google’s data-collection practices.

24 41. **Trial Preparation.** During trial preparation, 233 Analytics supported the development and
25 refinement of expert demonstratives and testimony through targeted technical analysis and coordination
26 with testifying experts. This work included Android testing and diagnostics, analysis of WAA/sWAA
27 activity, review and refinement of Dr. Hochman’s presentation materials, and preparation for expert
28 examinations and cross-examinations. 233 Analytics also coordinated closely with Class Counsel and

1 experts to ensure that demonstratives accurately reflected the underlying technical evidence to be
2 presented at trial.

3 42. **Trial.** During the trial phase, 233 Analytics provided intensive technical analysis and
4 real-time trial support focused on evidentiary development and presentation. This work included analyzing
5 discovery material and preparing and refining data for potential use in trial exhibits. 233 Analytics also
6 worked closely with Class Counsel to support trial strategy and presentation throughout the proceedings.

7 43. **Post-Trial Proceedings.** During post-trial proceedings, 233 Analytics provided technical
8 and strategic support in connection with Plaintiffs' equitable relief motion. This work included
9 coordinating with Class Counsel regarding post-trial strategy and reviewing and refining expert
10 demonstratives for potential use in the hearing on the post-trial motions.

11 **IV. JE Hochman & Associates LLC**

12 44. I understand that Dr. Jonathan Hochman is a lecturer at Yale University, where he teaches
13 digital identity, data use, and cybersecurity. I understand that Dr. Hochman is the founder of JE Hochman
14 & Associates LLC ("JE Hochman"), which is an internet technology, marketing, and security consulting
15 and software development firm since 2004. He is the co-founder of UNS, an internet infrastructure service
16 firm for user authentication, federated identity, linking de-identified records, detection of fake-accounts,
17 and recovery of lost securities keys since 2018. I further understand that he is a co-founder of Alchemists
18 Associates, which is an internet technologies, marketing, and security consulting firm focused on digital
19 platforms since 2024. Prior to all of this, he was also the co-founder of Codeguard, a website security
20 platform, which was sold and acquired by Sectigo in 2018.

21 45. Class counsel retained Dr. Hochman to develop and provide opinions relating to
22 technology issues in the case, including how Google's technologies purportedly worked, how Google's
23 technologies actually worked, how Google collected and used data, how to interpret Google's stored data
24 sources and logs, and various related technical issues. Dr. Hochman interpreted technical data and data
25 sources that Google produced, in response to Plaintiffs' discovery.

26 46. Dr. Hochman prepared and offered an extensive expert report, served on March 22, 2023.
27 I worked with Dr. Hochman on his report. To prepare the report, we made available to Dr. Hochman 5
28 GB of data across 21 data files spanning 152,125 records.

47. Dr. Hochman also sat for a full day deposition on June 26, 2023, which was taken by counsel for Google. I attended this deposition. I also attended multiple prep sessions with Dr. Hochman, which Dr. Hochman prepared for by reviewing the data and documentation produced by Google, in addition to numerous deposition transcripts and filings made in this case.

48. Dr. Hochman was prepared to testify at both the jury trial, and the equitable relief hearing. He spent four days with counsel preparing for the jury trial. And he spent another day with counsel preparing for the equitable relief hearing. Although he was not ultimately called at the equitable relief hearing, he testified at the jury trial.

49. I understand that JE Hochman billed time provided invoices. I understand the invoices were paid through a joint litigation fund administered by our firm, Boies Schiller Flexner.

50. Costs associated with their work totaled **\$553,112.36**, which includes **1,273.15** hours of work. JE Hochman’s work during each phase of the litigation is summarized in the following table:

Table 4: JE Hochman’s Hours and Fees & Expenses

Litigation Phase	Hours	Fees & Expenses
Preparation of Complaint (through July 2020)	0	\$0
Motions to Dismiss (Aug. 2020 – May 2021)	0	\$0
Fact Discovery (June 2021 – Oct. 2022)	116.25	\$25,687.50
Expert Discovery (Nov. 1, 2022 – July 2023)	837.65	\$262,524.60
Class Certification (Aug. 2023 – Oct. 2023)	0	\$0
Notice & Summary Judgment (Nov. 2023 – July 2024)	1	\$800
Trial Preparation (Aug. 2024 – July 2025)	45	\$14,400
Trial (Aug. 2025 – Sep. 2025)	212.25	\$186,276.37
Post-Trial Proceedings (Oct. 2025 – Jan. 2026)	61	\$55823.89
Total	1273.15	\$553,112.36

51. Below I summarize their work during the various phases of the case.

52. **Fact Discovery.** During fact discovery, Class Counsel relied on JE Hochman to interpret and analyze Google’s technical systems and data in response to Plaintiffs’ discovery. JE Hochman reviewed and evaluated technical documents, data sources, and logs produced by Google relating to Google’s data-collection, logging, storage, and usage practices, including how Google technologies interacted with third-party mobile applications. JE Hochman worked with Class Counsel to understand the structure and meaning of Google’s data, provided guidance on technical issues relevant to discovery

1 strategy, and helped shape discovery requests and deposition preparation directed at uncovering how
2 Google's systems operated and how class members' data were collected and identifiable.

3 53. **Expert Discovery.** During expert discovery, Dr. Hochman served as Plaintiffs' primary
4 technical testifying expert and developed opinions concerning how Google's technologies purportedly
5 worked, how they actually functioned in practice, how Google collected and used data, and how Google's
6 stored data sources and logs should be interpreted. He prepared an expert report drawing on extensive
7 technical documentation and approximately 5 GB of produced data across 21 files comprising over
8 152,000 records. Dr. Hochman worked closely with Class Counsel, and he prepared extensively for and
9 gave a full-day deposition on June 26, 2023, following multiple preparation sessions involving review of
10 produced materials, deposition transcripts, and filings in the case.

11 54. **Notice & Summary Judgment.** JE Hochman assisted counsel with technical aspects of
12 the briefing on summary judgment.

13 55. **Trial Preparation.** During trial preparation, Dr. Hochman worked closely with Class
14 Counsel over multiple days to prepare for live testimony at trial. This work included reviewing and
15 refining expert demonstratives, preparing for direct and cross-examination, and other matters.

16 56. **Trial.** During trial, Dr. Hochman also prepared for his live testimony and worked with
17 Class Counsel to help them prepare for the presentation of technical evidence at trial. Dr. Hochman
18 testified at trial.

19 57. **Post-Trial Proceedings.** Following trial, Dr. Hochman continued to assist Class Counsel
20 in post-trial proceedings. He prepared and submitted a declaration in support of Plaintiffs' motion for
21 permanent injunction, applying his technical expertise to issues relevant to prospective relief. Although
22 Dr. Hochman was not ultimately called to testify at the equitable relief hearing, he was prepared to do so
23 and supported Class Counsel's presentation of the technical record underlying Plaintiffs' post-trial and
24 injunctive relief requests.

1 Dated: March 30, 2026

Respectfully submitted,

2
3 By: /s/ Mark C. Mao

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11 *Attorney for Plaintiffs*
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