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

19 ANIBAL RODRIGUEZ, SAL
20 CATALDO, JULIAN
21 SANTIAGO, and SUSAN LYNN
22 HARVEY, individually and on behalf of all
23 others similarly situated,

24 Plaintiffs,

25 vs.

26 GOOGLE LLC,

27 Defendant.

Case No.: 3:20-cv-04688

**PLAINTIFFS' RULE 15(a) MOTION
FOR LEAVE TO AMEND COMPLAINT
(R. CIV. P. 15(a))**

The Honorable Richard Seeborg
Courtroom 3 – 17th Floor
Date: December 8, 2022
Time: 1:30 p.m.

1 **NOTICE OF MOTION AND MOTION FOR LEAVE TO AMEND COMPLAINT**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on December 8, 2022, at 1:30 p.m., or as soon thereafter as
4 the matter may be heard in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San Francisco,
5 California, before the Honorable Richard Seeborg, the undersigned Plaintiffs will and hereby do
6 move the Court for an order pursuant to Rule 15(a) of the Federal Rules of Civil Procedure granting
7 Plaintiffs leave to file their proposed Fourth Amended Complaint, which seeks to revise Plaintiffs'
8 proposed class definitions. This Motion is based upon this Notice and Motion, the following
9 Memorandum of Points and Authorities, the Declaration of Mark C. Mao, other materials in the
10 record, argument of counsel, and such other matters as the Court may consider.

11 **ISSUE PRESENTED**

12 Whether Plaintiffs should be granted leave to file their proposed Fourth Amended
13 Complaint, which, based on discovery, seeks to clarify the true scope of Google's improper
14 collection, saving, and use of data collected from users who switched off Web & App Activity?

15 **RELIEF REQUESTED**

16 Plaintiffs respectfully request an Order providing that Plaintiffs may file their proposed
17 Fourth Amended Complaint, attached as Exhibit 1 to the concurrently filed Declaration of Mark
18 C. Mao. A redline showing the proposed changes to the Complaint is attached as Exhibit 2 to the
19 Mao Declaration.

20 Dated: October 28, 2022

BOIES SCHILLER FLEXNER LLP

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22 By: /s/ Mark Mao
Mark C. Mao (CA Bar No. 236165)

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