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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 **IN RE GOOGLE PLAY CONSUMER**
22 **ANTITRUST LITIGATION**

23 RELATED ACTIONS:

24 *Epic Games Inc. v. Google LLC et al.,*
25 Case No. 3:20-cv-05671-JD

26 *In re Google Play Developer Antitrust*
27 *Litigation, Case No. 3:20-cv-05792-JD*

28 *State of Utah, et al., v. Google LLC, et al.,*
Case No. 3:21-cv-05227-JD

Match Group, LLC, et al. v. Google LLC, et
al., Case No. 3:22-cv-02746-JD

No. 3:20-CV-05761-JD

CONSUMER PLAINTIFFS' NOTICE
OF MOTION, MOTION FOR CLASS
CERTIFICATION, AND
MEMORANDUM IN SUPPORT

Hearing Date: August 4, 2022
Hearing Time: 10:00 a.m.
Courtroom: Courtroom 11, 19th Floor
Judge: The Honorable James Donato

1 **NOTICE OF MOTION AND MOTION FOR CLASS CERITIFICATION**

2 **PLEASE TAKE NOTICE** that on August 4, 2022, at 10:00 a.m., before the Honorable
3 James Donato, of the United States District Court of the Northern District of California, San Fran-
4 cisco Division, 450 Golden Gate Avenue, San Francisco, California, Courtroom 11, 19th Floor,
5 Plaintiffs Mary Carr, Daniel Egerter, Zack Palmer, Serina Moglia, Matthew Atkinson, and Alex
6 Iwamoto, on behalf of themselves and all others similarly situated, will and do now move the Court
7 for an order granting Plaintiffs’ Motion for Class Certification pursuant to Federal Rules of Civil
8 Procedure 23.

9 Plaintiffs seek entry of an order: (1) certifying a proposed Rule 23(b)(3) class; (2) certifying
10 a proposed Rule 23(b)(2) class; (3) appointing Plaintiffs Mary Carr, Daniel Egerter, Zack Palmer,
11 Serina Moglia, Matthew Atkinson, and Alex Iwamoto as representatives of the classes; and (4) ap-
12 pointing Karma M. Giulianelli of Bartlit Beck LLP and Hae Sung Nam of Kaplan Fox & Kil-
13 sheimer LLP as Co-Lead Class Counsel for the classes. Plaintiffs propose that the classes for their
14 Sherman Act Sections 1 and 2 claims (Counts 1-6) as well as their Cartwright Act (Counts 7-10)
15 and Unfair Competition (Count 11) claims, be defined as follows:

16 **RULE 23(b)(3) MULTISTATE DAMAGES CLASS:**

17 All persons in the following U.S. states and territories:

18 Alabama, Georgia, Hawaii, Illinois, Kansas, Maine, Michigan, Ohio, Penn-
19 sylvania, South Carolina, Wisconsin, Wyoming, American Samoa, Guam,
Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands

20 who paid for an app through the Google Play Store¹ or paid for in-app digital content
21 (including subscriptions or ad-free versions of apps) through Google Play Billing on
or after August 16, 2016, to the present.

22 **RULE 23(b)(2) MULTISTATE INJUNCTIVE RELIEF CLASS:**

23 All persons in the following U.S. states and territories:

24 Alabama, Georgia, Hawaii, Illinois, Kansas, Maine, Michigan, Ohio, Penn-
25 sylvania, South Carolina, Wisconsin, Wyoming, American Samoa, Guam,
Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands

26 who currently own a mobile phone or tablet with an authorized and preinstalled ver-
27 sion of Google’s Android OS capable of accessing the Google Play Store.

28 ¹ Capitalized terms “Google Play Store,” “Google Play Billing,” and “Defendants” are used in the
same sense as defined in the operative consumer Complaint. ECF No. 241.

1 Excluded from both Classes are Defendants and their officers, directors, employees,
2 and successors; any person or entity who has (or had during the class period) a con-
3 trolling interest in any Defendant; any affiliate, legal representative, heir, or assign of
4 any Defendant and any person acting on behalf of any Defendant; any judicial officer
presiding over this action and the members of those officers' immediate families and
judicial staffs; all governments and their agencies; and any juror assigned to this ac-
tion.

5 This motion is based upon this Notice of Motion, the accompanying Memorandum of
6 Points and Authorities, all filed supportive declarations and exhibits, the expert reports of Dr. Hal
7 Singer and Dr. Douglas Schmidt, the records on file in this action, and any argument that may be
8 presented at or before the hearing on this Motion.
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