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

17 IN RE: ZOOM VIDEO COMMUNICATIONS,
18 INC. PRIVACY LITIGATION

19 This Document Relates To:

20 ALL ACTIONS

CASE NO: 5:20-cv-02155-LHK

21 **NOTICE OF MOTION AND MOTION**
22 **FOR PRELIMINARY APPROVAL OF**
23 **PROPOSED CLASS ACTION**
24 **SETTLEMENT; MEMORANDUM OF**
25 **POINTS AND AUTHORITIES IN**
26 **SUPPORT THEREOF**

27 Hon. Lucy H. Koh
28 Crtrm: 8
Date: October 21, 2021
Time: 1:30 P.M.

[Declarations of Cameron R. Azari, Alan
Butler, and Cindy Cohn, and Joint
Declaration of Tina Wolfson and Mark
Molumphy, filed concurrently herewith]

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 21, 2021 at 1:30 p.m., in Courtroom 8 of the United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South First Street, San Jose, California 95113, the Honorable Lucy H. Koh, presiding, Plaintiffs¹ will and hereby do move for an Order pursuant to Rule 23 of the Federal Rules of Civil Procedure (“Rule”): (i) preliminarily approving the proposed Class Action Settlement Agreement and Release dated July 30, 2021 (attached as Exhibit 1 to the Joint Declaration of Tina Wolfson and Mark Molumphy, filed concurrently herewith); (ii) finding that, for purposes of effectuating the proposed Settlement, the prerequisites for class certification under Federal Rule of Civil Procedure 23(a) are likely to be found satisfied; (iii) approving the form and manner of notice to the Settlement Class; (iv) approving the selection of the Settlement Administrator; and (iv) scheduling a Final Approval Hearing before the Court.

Plaintiffs’ motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities set forth below, the Joint Declaration of Tina Wolfson and Mark Molumphy in Support of Plaintiffs’ Motion for Preliminary Approval of Proposed Class Action Settlement (“Joint Declaration”), the Settlement Agreement, the Declarations of Cameron R. Azari of Epiq Class Action and Claims Solutions, Inc., Alan Butler of Electronic Privacy Information Center, and Cindy Cohn of Electronic Frontier Foundation, all exhibits attached thereto, the pleadings and records on file in this Action, and other such matters and argument as the Court may consider at the hearing of this motion.

STATEMENT OF ISSUES TO BE DECIDED

1. Whether the proposed Settlement warrants: (a) the Court’s preliminary approval; (b) a finding that, for purposes of effectuating the proposed Settlement, the prerequisites for class certification under Federal Rule of Civil Procedure 23(a) are likely to be found satisfied; (c)

¹ All capitalized words and terms are defined in the Settlement Agreement (Section 1) unless otherwise defined herein.

1 dissemination of Notice of the Settlement's terms to Settlement Class Members; and (d) a hearing
 2 on Motions for final approval of the Settlement, and an award of Service Payments to Class
 3 Representatives, attorneys' fees, and reimbursement of expenses;

4 2. Whether the proposed Notice satisfies due process and adequately apprises the
 5 Settlement Class Members of the terms of the Settlement and their rights with respect to it;

6 3. Whether Epiq Class Action and Claims Solutions, Inc. should be appointed as
 7 Settlement Administrator;

8 4. Whether the proposed plan of allocation of the Settlement Fund should be
 9 preliminarily approved; and

10 5. Whether the Claim Form is sufficient.

11 Respectfully submitted,

12 Dated: July 31, 2021

/s/ Mark C. Molumphy

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19 Dated: July 31, 2021

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