

FILE
Superior Court of California
County of San Francisco



JUL 25 2022

CLERK OF THE COURT

BY: Clk Gerny
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 613

KELLY ELLIS, HOLLY PEASE, KELLI
WISURI, and HEIDI LAMAR individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE, LLC (formerly GOOGLE, INC.),

Defendant.

Case No. CGC-17-561299

ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT

Plaintiffs Kelly Ellis, Holly Pease, Kelli Wisuri, and Heidi Lamar (“Plaintiffs”) and Defendant Google, LLC (“Defendant”) have entered into Settlement Agreement and [Proposed] Order (“Settlement Agreement”) ¹ attached as Exhibit 1 to the Declaration of Kelly M. Dermody in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action and PAGA Settlement, which, if approved, would resolve the putative class action and PAGA action. Plaintiffs have filed a motion for preliminary approval of class action settlement. Upon review and consideration of the motion papers and supplemental documents submitted by the parties as requested by the Court, including the Settlement Agreement and all exhibits thereto, the Court determines and orders as follows:

1. The Court has jurisdiction over this matter and venue is proper.

¹ This Order hereby incorporates by reference the definitions of the Settlement Agreement as though fully set forth herein, and all terms used herein shall have the same meaning as set forth in the Settlement.

1 2. This action is provisionally certified as a class action, for settlement purposes only,
2 pursuant to California Code of Civil Procedure section 382 and California Rules of Court rule 3.763. The
3 Plaintiff Class is defined as follows:

4 Equal Pay Act Claim Class: “all women employed by Google in a Covered Position in
5 California at any time from September 14, 2013 through the date on which the Court
6 grants preliminary approval of the Settlement who have not already validly opted out of
the certified class in this Action.”

7 FEHA Claim Subclass: “all women employed by Google in a Covered Position in
8 California at any time from September 14, 2013 through the date on which the Court
9 grants preliminary approval of the Settlement, excluding campus hires and women hired
after August 28, 2017 who have not already validly opted out of the certified class in this
Action.”

10 PAGA Group Member: “all women employed by Google in a Covered Position in
11 California at any time from one year prior to Plaintiffs filing the Second Amended
12 Complaint through the date on which the Court grants preliminary approval of the
13 Settlement, regardless of whether or not they have validly opted out of the certified class
in this Action or whether or not they opt out of the Settlement.”

14 3. The Court conditionally approves the proposed settlement as within the range of possible
15 final approval.

16 4. The Court conditionally appoints Lief Cabraser Heimann & Bertstein LLP and Altshuler
17 Berzon LLP as Class Counsel for the Plaintiff Class.

18 5. The Court preliminarily appoints named plaintiffs Kelly Ellis, Holly Pease, Kelli Wisuri,
19 and Heidi Lamar as Class Representatives for the Plaintiff Class.

20 6. The Court preliminarily finds, for purposes of this Settlement only, that the Class
21 Representatives and Class Counsel fairly and adequately represent and protect the interests of the absent
22 Plaintiff Class.

23 7. The Court approves and appoints JND Legal Administration to serve as the Claims
24 Administrator and directs JND Legal Administration to carry out all duties and responsibilities of the
25 Claims Administrator specified in the Settlement Agreement.

26 8. Pursuant to California Rules of Court rule 3.769(f), the Court approves the manner of class
27 notice set forth in the Settlement Agreement. The Court approves the form and content of the “Notice of
28 Settlement of Class Action” attached as **Exhibit A**. The Court finds that the Notice constitutes the best

1 notice practicable under the circumstances and is valid, due and sufficient notice to the Settlement Class
2 of the pendency of the action, preliminary certification of the Settlement Class, the terms of the
3 Settlement, procedures for objecting to the settlement, and time and place of the Final Approval Hearing.
4 The proposed manner of class notice satisfies the requirements of due process, and complies with
5 applicable law, including California Code of Civil Procedure Section 382 and California Rules of Court
6 rule 3.769. Class Counsel shall proofread the Notice for typos and fill in all blanks, including all
7 highlighted dates and addresses prior to the mailing of the Notice.

8 9. The Court orders the following modification to the Settlement Agreement: Class Members
9 need not submit objections in writing. Class Members may appear at the Final Approval Hearing and
10 submit live objections at that time, regardless of whether or not they previously submitted their objection
11 in writing. This modification is reflected in the Amended Notice submitted to the Court.

12 10. **Within twenty (20) days after entry of this order**, Defendant shall provide to the
13 Settlement Administrator the following information for each Class Member and PAGA Group Member
14 employed on or before the date of Preliminary Approval: name, employee ID number, last known address,
15 email address, and telephone number, dates of their employment in a Covered Position in California
16 during the relevant class period, date of termination (if any), the number of pay periods each PAGA
17 Group Member worked in a Covered Position in California during the PAGA Period, and Social Security
18 number.

19 11. **Within fourteen (14) days** after receiving the Class Member information from Google,
20 the Settlement Administrator will send to each Class Member the Notice of Settlement and an Information
21 Form including the estimated Settlement Share that the Class Member may qualify to receive, by first
22 class U.S. mail and by email. Prior to sending the Notice of Settlement, the Settlement Administrator will
23 update Class Member addresses through the United States Postal Service National Change of Address
24 service. In the event of returned or non-deliverable notices, the Settlement Administrator will make
25 reasonable efforts to locate Class Members and re-send the notices, including using Social Security
26 numbers to skip-trace. The Settlement Administrator shall also set up a website containing information
27 about the case, including the First Amended Complaint, and the Second Amended Complaint when it is
28 filed, Settlement Agreement, and the Notice of Settlement.

1 12. The deadline by which the Plaintiff class may opt out, object or dispute their settlement
2 amount shall be **forty-five (45) calendar days** after the Notice of Settlement is sent. This is a postmark
3 deadline or submitted to the website.

4 13. **Requests for Exclusion:** A Class Member requesting to be excluded must submit to the
5 Settlement Administrator a written, signed statement that they are opting out, posted marked or submitted
6 to the website set up by the Settlement Administrator on or before forty-five (45) days after the Notice of
7 Settlement is mailed to Class Members.

8 14. **Objections:** A Class Member objecting to the Settlement may submit a written statement
9 to the Settlement Administrator objecting to the Settlement on or before the deadline. The written
10 objection should include their name, full residence or business address, and a statement signed under
11 penalty of perjury that you are a member of the Class. However, a Class Member does not have to make a
12 written objection in order to appear at the Final Approval Hearing.

13 15. **Rescission:** A Class Member may rescind his or her opt out by submitting their rescission in
14 writing to the Settlement Administrator. It must be postmarked, or submitted to the website, on or before
15 sixty (60) days after the date the Notice of Settlement is disseminated to Class Members.

16 16. Class Members will have one hundred and eighty (180) calendar days from the date of
17 issuance of the check to cash their check. After one hundred eighty (180) days after checks are mailed, if
18 the amount of uncashed checks is equal to or more than one and one-half percent (1.5%) of the Total
19 Settlement Amount, the Settlement Administrator will send out a second round of distributions to
20 Participating Class Members in proportion to their first Settlement Shares. If the amount of uncashed
21 checks is less than one and one-half percent (1.5%) of the Total Settlement Payment, then the amount of
22 the uncashed checks will be sent to *cy pres* recipient Equal Rights Advocates.

23 17. All papers filed in support of Plaintiffs' motion for attorneys' fees and costs, and a service
24 award, shall be filed by **August 30, 2022**. This date is at least thirty (30) days prior to the deadline for
25 submitting requests for exclusion and objections. Class Counsel shall file their motion for final approval
26 of the Class Action Settlement and entry of a Final Approval Order and Judgment no later than **October**
27 **6, 2022**.

1 18. A final approval hearing shall be held on **October 31, 2022, at 3:00 p.m.** in Department
2 613, San Francisco Superior Court, 400 McAllister Street, San Francisco, CA 94102, at which the Court
3 will determine whether the settlement should be finally approved as fair, reasonable and adequate to the
4 Settlement Class; whether the Final Approval Order and Judgment should be entered; whether Class
5 Counsel's Application for Attorneys' Fees and Costs should be approved; and whether any request for a
6 service award should be approved.

7 19. The Court reserves the right to modify the date of the Final Approval Hearing and related
8 deadlines set forth herein. The Final Approval Hearing may be postponed, adjourned or continued by
9 Order of the Court without further notice to the Class Members.

10 20. If for any reason the Court does not approve the Settlement, it will be of no force or effect,
11 and the Parties shall be returned to their original respective positions.

12 21. Pending the final determination of whether the settlement should be approved, all
13 proceedings in this Action, except as may be necessary to implement the settlement or comply with the
14 terms of the settlement, are hereby stayed.

15
16 IT IS SO ORDERED.

17
18 Dated: July 25, 2022



ANDREW Y.S. CHENG
Judge of the Superior Court

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

ELLIS V. GOOGLE, LLC

CASE No. CGC-17-561299

Notice of Settlement of Class Action

A court authorized this notice. This is not a solicitation from a lawyer.

Records indicate that at some time between September 14, 2014 and [date of preliminary approval], inclusive, you worked for Google LLC (“Google”) in a job that is covered by a proposed class action settlement (“Settlement”).¹

Please read this notice carefully and fully. Your legal rights are affected whether you act or not. The full Settlement Agreement can be found at [website].

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
DO NOTHING	Remain in the Class, release your claims, and receive money automatically in the form of a payment mailed to you. (Note that taxes may be owed on payments under this Settlement.)
EXCLUDE YOURSELF	Get out of the Lawsuit. Do not receive any money from the Settlement. Keep any rights you might have to file your own separate lawsuit for the same claims at your own expense. See Section 12 below.
OBJECT OR COMMENT	Stay in the Lawsuit and object that the Settlement is unfair or inadequate or comment in its favor. See Section 14 below.

¹ A list of the Covered Positions involved in this case can be viewed at [website].

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE No. CGC-17-561299

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION..... 4

1. Why did I get this Notice?4

2. What is this lawsuit about?4

3. Why is this a class action, and who is involved?5

4. Why is there a settlement?5

WHO IS IN THE CLASS ACTION LAWSUIT? 5

5. How do I know if I am part of the settlement?5

6. I’m still not sure if I am included.....7

7. What does the settlement provide?7

8. How much will my payment be?8

9. How are the payments calculated?.....8

HOW YOU GET A PAYMENT 10

10. How can I get a payment?.....10

11. When will I get my payment and what is the impact if I do not cash my check?11

12. What am I giving up as part of the settlement?11

EXCLUDING YOURSELF FROM THE SETTLEMENT 12

13. How do I exclude myself (opt out) from the Settlement?.....12

14. If I don’t exclude myself, can I sue Google for the same thing later?.....13

15. If I exclude myself, can I get money from this case?13

THE LAWYERS REPRESENTING YOU 13

16. Who represents me in this case?13

17. Should I get my own lawyer?14

18. How will the lawyers be paid?.....14

OBJECTING TO THE SETTLEMENT 14

19. Can I object to or comment on the settlement?.....14

20. What’s the difference between objecting and excluding?15

THE COURT’S FAIRNESS HEARING..... 15

21. When and where will the Court decide whether to approve the Settlement?15

22. Do I have to come to the hearing?16

IF YOU DO NOTHING 16

23. What happens if I do nothing at all?16

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

GETTING MORE INFORMATION 16

24. Are more details about the lawsuit available?16

25. How do I get more information?.....17

Questions? Call [1-800-000-0000] or visit [\[www.website\]](#)

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

BASIC INFORMATION

1. Why did I get this Notice?

You have received this Notice because Google's records show that you are or were an employee of Google between September 14, 2013 and [date of preliminary approval], inclusive, who identified as female and worked in California in one of the job codes covered by this lawsuit (the "Covered Positions"). A full list of the Covered Positions is available at [website].

The Court sent you this Notice because you have a right to know about a proposed Settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, subject to resolving any appeals, an administrator appointed by the Court will make the payments that the Settlement allows.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how you will get them.

The Court in charge of the case is the San Francisco Superior Court, and the case is known as *Ellis v. Google, LLC.*, Case No. CGC-17-561299 (the "Action"). The individuals who sued are called the Plaintiffs and the entity they sued, Google, is called the Defendant.

2. What is this lawsuit about?

The lawsuit claims that Google discriminates against women by paying them less than men for performing substantially similar work in violation of California's Equal Pay Act, Cal. Labor Code § 1197.5 ("California EPA") and California's Unfair Competition Law, Cal. Bus. & Prof. Code section 17200, et seq. ("UCL") (together, the "Equal Pay Act Claim"). The lawsuit also claims that Google discriminated against women hired before August 28, 2017, excluding college hires, by allegedly relying on the candidate's prior pay at time of hire to assign them to lower levels than men with comparable qualifications and experience in violation of California's Fair Employment and Housing Act, Cal. Gov. Code § 12940 et seq. ("FEHA") and the UCL (together, the "FEHA Claim").

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

Google denies all of the allegations in the lawsuit and maintains that it has fully complied with all applicable laws, rules and regulations at all times. The Court has not ruled on the merits of these claims, has made no findings of fault, and has not awarded damages. The Settlement is a compromise of alleged claims and is not an admission of liability on the part of Google or anyone else. The parties have reached this Settlement in order to avoid the expense, risk and uncertainty of further litigation.

To obtain more information about the claims in this lawsuit, you can view the complaint and other court documents at: [[website](#)]

3. Why is this a class action, and who is involved?

In a class action lawsuit, one or more people called “Named Plaintiffs” or “Class Representatives” (in this case, Kelly Ellis, Holly Pease, Kelli Wisuri, and Heidi Lamar) sue on behalf of other people who they believe have similar claims. All these people are a “Class” or “Class Members.” A court resolves the issues for all Class Members, except for those who exclude themselves from the Class. Judge Andrew Y.S. Cheng is the judge presiding over this class action lawsuit. On May 27, 2021, Judge Cheng certified this case to proceed as a class action and notice was sent to all Class Members at the time, along with an opportunity to opt out of the class action. Everyone who did not opt out at that time is still a Class Member.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Google. Plaintiffs and Google decided to settle the claims in order to avoid the risks to both sides and the costs of continued litigation, while guaranteeing compensation to Class Members. Plaintiffs and their attorneys think the settlement is preferable to the risks and further costs of continuing the litigation.

WHO IS IN THE CLASS ACTION LAWSUIT?

5. How do I know if I am part of the settlement?

Questions? Call [[1-800-000-0000](tel:1-800-000-0000)] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

The Equal Pay Act Claim addressing alleged gender pay disparities is on behalf of the following group:

All women² employed by Google in a Covered Position³ in California at any time from September 14, 2013 through [date of preliminary approval], inclusive, who have not already validly opted out of the certified class in this Action (the “Equal Pay Act Class”).

The FEHA Claim addressing alleged under-leveling is on behalf of the following group:

All women employed by Google in a Covered Position in California at any time from September 14, 2013 through [date of preliminary approval], inclusive, excluding campus hires and women hired after August 28, 2017, who have not already validly opted out of the certified class in this Action (the “FEHA Claim Subclass”).

You are covered by this Settlement if you fall under one of the definitions above and do not exclude yourself from the Settlement.

The Settlement also resolves alleged claims for penalties under the California Labor Code Private Attorney General Act (“PAGA”). PAGA Group Members are:

All women employed by Google in a Covered Position in California at any time from June 14, 2021 through [date of preliminary approval], inclusive, regardless of whether they opt out of the certified class of the Settlement (the “PAGA Group Members”).

PAGA Group Members will receive a PAGA payment regardless of whether or not they opt out of the Settlement.

² For all definitions, “women” are those employees who identify as female in Google’s records.

³ A full list of the Covered Positions is available at [website].

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

6. I'm still not sure if I am included.

If you received this Notice mailed to you, it is because you were listed as a Class Member. If you are still not sure whether you are included, you can ask for free help. You can call [1-800-000-0000] or visit [website] for more information.

7. What does the settlement provide?

The proposed Settlement includes money and business practice changes to resolve pay and leveling claims for the Class.

The total money paid is One Hundred Eighteen Million Dollars (\$118,000,000.00) ("the Settlement Fund").

The following items will be paid from the Settlement Fund before the distribution of the Settlement Fund to Class Members: approximately \$135,000.00 in costs of independent settlement administration (*e.g.*, this notice, contact tracing, check distribution, etc.); \$1,000,000.00 in recovery of PAGA penalties to be paid in part to the State of California and in part to Class Members; up to twenty-five percent (or \$29,500,000.00) in attorneys' fees to Class Counsel; up to \$1,500,000.00 in reimbursement of litigation and expert costs incurred by Class Counsel to prosecute this case; and service awards of up to \$225,000.00 to the Named Plaintiffs (representing \$75,000 for originating Plaintiff Ellis and \$50,000 for Plaintiffs Pease, Wisuri, and Lamar), in recognition of the time, effort, and risks these individual Plaintiffs took to come forward and prosecute the case. Separately, Google has agreed to pay an additional \$200,000.00 to resolve all of the individual, non-class claims of the Named Plaintiffs and in consideration of their broader release of claims beyond those resolved by the Class. The amount left in the Settlement Fund after the payment of those items ("the Net Settlement Fund") will be approximately \$86,000,000.00 and will be allocated to Participating Class Members as set forth in Section 9 of this Notice. The Court will determine the propriety of all payments allocated from the Settlement at final settlement approval. No money will revert to Google.

Questions? Call [1-800-000-0000] or visit [\[www.website\]](#)

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

The business practice changes are summarized below. (A comprehensive list of these practices can be found in Section VII of the Settlement Agreement, which is available at the following website: [website].)

- The retention of an independent expert to conduct an analysis of Google's process for setting level at hire, and issue recommendations on that process to the extent there are opportunities to make that process more equitable including with respect to gender.
- The retention of an independent expert to conduct an analysis of Google's pay equity audits and issue recommendations on that process to the extent there are opportunities to more accurately analyze whether employees are paid equitably for comparable work, including with respect to gender equity.
- The retention of an independent external monitor to review Google's compliance with the terms of the Settlement, including its response to the independent experts' recommendations.

8. How much will my payment be?

Individual Settlement Awards will be allocated to each Class Member based on an objective formula approved by the Court, which is summarized in Section 9, below. Note that the Settlement Administrator has provided an estimate of your individual recovery on the Information Form sent to you individually with this Notice. The amount of your actual Individual Settlement Award may vary slightly from this estimate based on several factors, including the number of Class Members who opt out and the amount of fees and costs approved by the Court. All Class Members will receive an Individual Settlement Award unless they opt out.

9. How are the payments calculated?

Of the Net Settlement Fund of approximately \$86,000,000.00 (see Section 7, above), forty percent, or approximately \$34,400,000.00, will be allocated to the Equal Pay Act Class, and sixty percent, or approximately \$51,600,000.00 will be allocated to the FEHA Claim Subclass.

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

Minimum payments will be allocated to each Class Member. All Class Members for whom Google's records show a hire date on or after January 1, 2022, will be allocated a flat sum of \$250.00 only. All Class Members for whom Google's records show a hire date on or before December 31, 2021, will be allocated a minimum amount of \$500.00, except that those Class Members who worked for Google for fewer than six months during the Class Period will be allocated a minimum amount of \$250.00. (Together, these are the "Minimum Payments.")

After the Minimum Payments have been identified, additional payments for each Class or Subclass Member for whom Google's records show a hire date on or before December 31, 2021 are based on the following formulas:

Equal Pay Act Class: (a) a statistical model is used to estimate the alleged difference in total compensation that Plaintiffs contend female Class Members received compared to male employees in the same job code (controlling for attributes like tenure and location); (b) the percentage estimate is then used to estimate an alleged dollar shortfall amount for each Class Member for each year (or fraction of year) worked at Google in a Covered Position in California, based on the average pay of male employees in the Class Member's job code; (c) interest at 10% per year and what are called "liquidated damages" (i.e., doubling of damages and interest) are added; and (d) there is an additional amount (15 days of wages, or 50% of the penalty claimed by Plaintiffs) added for Class Members who left Google before the end of the period covered by the data.

FEHA Claim Subclass: (a) a statistical model is used to estimate the average probability that a female employee was hired into a lower job level than a male employee hired into the same job family, accounting for prior education and a measure of employment experience; (b) a statistical model is used to estimate the percentage pay differences associated with each successive higher job level within each job family; (c) this percentage pay difference is applied to the average pay of male employees in each job family and level, to estimate the potential alleged underpayment Plaintiffs contend is a result of leveling; (d) based on each Class Member's job family and job level, the estimated probability of being allegedly under-leveled and the estimated underpayment are multiplied to compute the average amount by which each Class Member was allegedly underpaid by being

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

hired into a lower job level; (e) each Class Member is credited this alleged underpayment amount for each year or fraction of a year the Class Member worked at Google; and (f) interest at 10% per year is added to this amount. Participating FEHA Subclass Members will obtain settlement shares both as FEHA Subclass Members and EPA Claim Class Members.

Each Class Member's total estimated settlement share is calculated as a percentage of the total alleged damages experienced by all Class Members as estimated by the Plaintiffs, and applied proportionally to the Net Settlement Fund (see Section 7, above). A full and complete explanation of how settlement shares are calculated can be found at Exhibit C to the Settlement Agreement at [website].

In addition to the calculations above, the Settlement also allocates \$1,000,000.00 for PAGA penalties, of which the State of California retains \$562,500.00, with up to \$250,000.00 paid in attorneys' fees. The remainder, or approximately \$187,500.00, will be distributed pro rata to "PAGA Group Members" which means all women employed by Google in a Covered Position in California at any time from June 14, 2021 through the date on which the Court grants preliminary approval of the Settlement, regardless of whether or not they have validly opted out of the certified class in this Action or whether or not they opt out of the Settlement. PAGA Group Members will receive a PAGA penalty payment regardless of whether they opt out of this Settlement.

Once this process is completed, the Settlement Administrator will issue checks, less applicable tax withholdings.

HOW YOU GET A PAYMENT

10. How can I get a payment?

You will automatically receive a payment unless you exclude yourself from the settlement. Google will provide the Settlement Administrator with your most recent address to mail you a check. If you would like to confirm that the correct address is on file, you may call the Administrator at [1-800-000-0000]. If you have moved since you last worked for Google, please provide the Settlement Administrator with your current mailing address by calling [1-800-000-0000] or online at the settlement website, [website].

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

11. When will I get my payment and what is the impact if I do not cash my check?

The Court will hold a hearing on [date], to decide whether to approve the settlement. If Judge Cheng approves the settlement and that approval becomes final, the Settlement Administrator will be directed to send payments promptly. You may check the website [website] or call for updates or questions (1-800-000-0000). The Settlement Administrator will make multiple efforts to ensure Class Members cash their checks. **CHECKS WILL BECOME VOID ONE HUNDRED EIGHTY (180) DAYS AFTER ISSUE.** After one hundred eighty (180) days after checks are mailed, if the amount of uncashed checks is equal to or more than one and one-half percent (1.5%) of the Total Settlement Fund, the Settlement Administrator will send out a second round of distributions to Participating Class Members in proportion to their first Settlement Shares. If the amount of uncashed checks is less than one and one-half percent (1.5%) of the Total Settlement Payment, then the uncashed checks will be sent to *cy pres* recipient Equal Rights Advocates, a non-profit organization dedicated to advancing the rights of women.

12. What am I giving up as part of the settlement?

In exchange for receiving a payment under the settlement, you will not be able to sue, continue to sue, or be part of any other lawsuit against Google for the same claims that are the subject of this lawsuit (unless you exclude yourself from the Settlement). The exact language of the release is as follows:

All Class Members who do not timely opt out will release any and all known and unknown claims against Google and the Released Parties that arise out of or relate to the allegations in the Second Amended Complaint that the Court certified for class treatment, including the allegations that, from September 14, 2013 through the date upon which the Settlement is preliminarily approved, Google paid women in Covered Positions less than it paid men for substantially similar work, that Google assigned women to lower levels than it assigned men, and that Google failed to pay all wages due to employees upon their

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE No. CGC-17-561299

separation of employment. The released claims include but are not limited to claims brought under California Labor Code sections 201-203, 1197.5, 2698 et seq., California Business and Professions Code sections 17200 et seq., California Government Code section 12940 et seq., and the Industrial Welfare Commission Wage Order. Such claims include claims for wages, statutory penalties, civil penalties, or other relief under the California Labor Code, PAGA, relief from unfair competition under California Business and Professions Code section 17200 et seq., relief under California Government Code section 12940 et seq., attorneys' fees and costs, and interest, and waiver of the protection of California Civil Code section 1542 with respect to such claims (the "Class Members' Released Claims").

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue or continue to sue Google on your own and at your own expense, about the legal issues in this case, then you must take steps to exclude yourself, see below.

13. How do I exclude myself (opt out) from the Settlement?

To exclude yourself (opt out) from the Settlement, you must send a letter by mail saying that you want to be excluded from *Ellis v. Google* or submit a request for exclusion online at the website set up by the Settlement Administrator. Be sure to include your full name, address, telephone number, approximate dates of employment at Google, and a statement that you wish to be excluded from the settlement. The request for exclusion must be signed and dated by you. You must mail your exclusion request postmarked no later than _____, 2022 [45 days from Notice] to the address below, or submit it to the website set up by the Settlement Administrator no later than _____, 2022.

[Address]

[Website]

You cannot exclude yourself (opt out) by telephone. If you ask to be excluded, you will not get any Settlement payment, and you cannot object to the

Questions? Call [1-800-000-0000] or visit [\[www.website\]](#)

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

Settlement. You will not be bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Google for the allegations in this case.

14. If I don't exclude myself, can I sue Google for the same thing later?

No. If you are a Settlement Class Member, unless you exclude yourself, you give up the right to sue Google for the claims that this Settlement resolves. If you have a pending lawsuit regarding the claims at issue in this case, speak to your lawyer immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is , 2022.

15. If I exclude myself, can I get money from this case?

No. If you exclude yourself, you will not receive money from this Settlement. But, you may sue, or continue to sue, in a different lawsuit against Google, at your own expense.

THE LAWYERS REPRESENTING YOU

16. Who represents me in this case?

The Court appointed the following law firms as Class Counsel to represent the Class:

LIEFF CABRASER HEIMANN
& BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
(415) 956-1000
Contact: Kelly Dermody
Anne Shaver
Kdermody@lchb.com
ashaver@lchb.com

ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
(415) 421-7151
Contact: James Finberg
Eve Cervantez
jfinberg@altshulerberzon.com
ecervantez@altshulerberzon.com

Questions? Call [\[1-800-000-0000\]](tel:1-800-000-0000) or visit [\[www.website\]](http://www.website)

NOTICE OF CLASS ACTION SETTLEMENT, CASE No. CGC-17-561299

These law firms are called “Class Counsel.” If you want to be represented by your own lawyer, you may hire one at your own expense.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel are working on your behalf and you do not need to do anything to receive benefits under the Settlement. You also may exclude yourself or object without a lawyer. If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer’s services.

18. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to 25% of the Settlement Fund for attorneys’ fees and approximately \$1,500,000.00 in reimbursement for litigation and expert expenses Class Counsel already incurred in prosecuting your claims. The Court will determine the propriety of any requested award.

OBJECTING TO THE SETTLEMENT

19. Can I object to or comment on the settlement?

Yes. If you are a Class Member, you can object to the Settlement if you do not think it should be approved. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object and the basis for your objection or submit your objection and the basis of the objection to the website set up by the Settlement Administrator. You can also make an objection at the Court’s Fairness Hearing (see # 21, below).

Be sure to sign the objection personally, even if represented by counsel, and provide your name and full residence or business address and a statement signed under penalty of perjury that you are a member of the Class. You can also provide comments about the Settlement. Mail the objection or comments to the following

Questions? Call [1-800-000-0000] or visit www.website

NOTICE OF CLASS ACTION SETTLEMENT, CASE No. CGC-17-561299

address, postmarked no later than _____, 2022, or submit it to the website set up by the Settlement Administrator no later than _____, 2022.

[Address]

[Website]

20. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't think the Settlement should be approved. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you cannot object because the case no longer affects you, and you will not receive any payment from the Settlement.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you don't have to attend for the Court to consider your comments. You do not need to have submitted a written comment or objection to appear at the hearing.

21. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing at [time] on [date], 2022, to consider whether the Settlement is fair, reasonable, and adequate. If there are written or live comments or objections, the Court will consider them.

The Court may postpone the hearing without further notification to the Class. To view the official docket for this action, however, please use the online link: <https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC17561299&SessionID=82D15FDA4CD69E2A860048A52E94E113B5BFA2D3>. After using the link, click on "I'm not a robot," insert the case number "CGC-17-561299" where there is a prompt for case number, and click "search" on the landing page. The Court's website is free to use.

Questions? Call [1-800-000-0000] or visit [www.website](#)

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

You may wish to refer to the Court's website for any instructions from the Court for the hearing due to COVID-19 at: <https://www.sfsuperiorcourt.org/general-info/Information-Regarding-Coronavirus-And-Court-Operations>

We do not know how long it will take for the Court to render a decision on the matter.

22. Do I have to come to the hearing?

No. Class Counsel will answer questions Judge Cheng may have. But, you are welcome to come. If you submit a written objection or comment, you do not have to come to Court to talk about it. As long as you mailed your written objection or comment on time, the Court will consider it. You may also hire your own lawyer to attend, but it is not necessary.

IF YOU DO NOTHING

23. What happens if I do nothing at all?

If you do nothing, you will automatically receive any payment to which you are entitled under the Settlement and will release your claims against Google. Google will provide the Notice Administrator with your most recent address based on its corporate records to mail you a check. If you would like to confirm that the correct address is on file, you may call the Administrator at [1-800-000-0000]. You may update your address on the settlement website, [website].

GETTING MORE INFORMATION

24. Are more details about the lawsuit available?

Yes. This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [website]. Or the official docket of the case may be inspected at the Office of the Clerk of the San Francisco County Superior Court, located at 400 McAllister Street, San Francisco, CA 94102, during the Court's regular business hours (8:30 a.m. to 12:30 p.m.). You can also view the official docket at the Court's website,

Questions? Call [1-800-000-0000] or visit www.website

NOTICE OF CLASS ACTION SETTLEMENT, CASE NO. CGC-17-561299

which is free to use: <https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC17561299&SessionID=82D15FDA4CD69E2A860048A52E94E113B5BFA2D>
3 If judgment is entered, it will be posted at the Court's website and also at [website].

25. How do I get more information?

You can call [HOTLINE], or go to [website] for more information about the case and the Settlement. You may also contact Class Counsel with questions (see contact information in Question 16, above). You may also seek the advice and counsel of your own attorney at your own expense, if you desire.

PLEASE DO NOT CONTACT THE COURT. YOU SHOULD DIRECT ANY QUESTIONS YOU MAY HAVE ABOUT THIS NOTICE OR THE SETTLEMENT TO THE SETTLEMENT ADMINISTRATOR AND/OR TO CLASS COUNSEL.

Questions? Call [1-800-000-0000] or visit [www.website]

NOTICE OF CLASS ACTION SETTLEMENT, CASE No. CGC-17-561299

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

I, CLARK BANAYAD, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On July 25, 2022, I electronically served the ATTACHED DOCUMENT(S) via File&ServeXpress on the recipients designated on the Transaction Receipt located on the File&ServeXpress website.

Dated: July 25, 2022

T. Michael Yuen, Clerk

By: 
CLARK BANAYAD, Deputy Clerk