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18 *Co-Lead Class Counsel*

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN JOSE DIVISION

22 IN RE: HIGH-TECH EMPLOYEE
23 ANTITRUST LITIGATION
24
25 THIS DOCUMENT RELATES TO:
26
27 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF DEAN M. HARVEY
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: July 9, 2015
Time: 1:30 pm
Courtroom: Room 8, 4th Floor
Judge: Honorable Lucy H. Koh

1 I, Dean M. Harvey, declare as follows:

2 1. I am an attorney licensed to practice in the Northern District of California. I am a
3 partner at the firm of Lief Cabraser Heimann & Bernstein, LLP (“LCHB”), Co-Lead Class
4 Counsel. I have personal knowledge of the facts set forth herein and could competently testify to
5 them if called as a witness.

6 2. Since January 15, 2015, when Class Counsel filed their Motion for Preliminary
7 Approval of Class Action Settlement (Dkt. 1032), hundreds of Class Members have contacted
8 LCHB (or lead LCHB partner Kelly M. Dermody specifically) directly, by email or telephone,
9 with questions and requests regarding the Settlement reached with Defendants Adobe Systems
10 Incorporated, Apple Inc., Google Inc., and Intel Corporation. Ms. Dermody or I often answered
11 these questions and responded to these requests personally. For the remainder, I supervised
12 others at LCHB who answered questions and responded to requests. When Class Members asked
13 questions regarding their individual allocation from the Settlement, Class Members were
14 informed about how the Settlement’s plan of allocation worked, the likely average net recovery
15 (approximately \$5,072), and why an individualized estimate would not be possible until the
16 Claims Administrator received and processed all opt outs and the Court made determinations on
17 various requests for attorneys’ fees, costs, and service awards.

18 3. On May 19, 2015, Nelson Minar opted-out of the Settlement and provided a
19 comment to Gilardi & Co. LLC (“Gilardi”), copying Class Counsel. (*See* Supp. Decl. of Kenneth Jue,
20 Ex. P, submitted herewith). In that comment, Mr. Minar states that he sent two emails to
21 info@hightechemployeelawsuit.com (an email address Gilardi administers) one on April 29, 2015 and
22 another on May 10, 2015, and that he had not received a response. Ms. Dermody immediately
23 responded to Mr. Minar and told him that I would follow-up with Gilardi regarding his two prior emails.
24 A true and correct copy of Ms. Dermody’s May 19, 2015 email to Mr. Minar is attached as **Exhibit A**.
25 I called Mr. Minar and spoke with him that day. He emailed Ms. Dermody and myself on May 19,
26 2015, thanked us for our response and confirmed that he had no unanswered questions. A true and
27 correct copy of Mr. Minar’s email, and Ms. Dermody’s response, is attached as **Exhibit B**. Also that
28 day, I conferred with Gilardi’s Kenneth Jue, who informed me that there was no record of an April 29,

1 2015 email from Mr. Minar, but that indeed Gilardi had received an email from Mr. Minar on May 10
2 and had not yet responded to it. In that May 10, 2010 email, Mr. Minar asked how he could opt-out via
3 email. This issue was resolved by Mr. Minar’s May 19, 2015 email in which he opted-out of the
4 Settlement. On May 19, 2015, Mr. Jue confirmed to me that Gilardi had implemented a system to track
5 messages and respond promptly. Mr. Jue also informed me that he had gone through all messages
6 Gilardi received from Class Members and confirmed that all messages asking for a response received a
7 response.

8 4. Class Counsel are investigating whether Mark Zavislak is currently working as a lawyer
9 in Google’s in-house legal department. Class Counsel are conferring with Google’s counsel regarding
10 this.

11 I declare under penalty of perjury under the laws of California and the United States that
12 the foregoing is true and correct.

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14 Executed on June 15, 2014 in San Francisco, California.

15 /s/ Dean M. Harvey
16 Dean M. Harvey

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