

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

LINDABETH RIVERA, et al.

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 2019-CH-00990

Calendar 15

Hon. Anna M. Loftus

**PROPOSED INTERVENOR JODI WHITE JONES'S
SURREPLY IN RESPONSE TO CLASS COUNSEL'S PROPOSED SURREPLY**

Class Counsel offer a surreply to the Court to respond to Proposed Intervenor's views in her reply brief. Unfortunately, that surreply includes a shoal of red herrings. Recognizing that the briefing must come to an end, Proposed Intervenor provides this very short surreply (in the event Class Counsel's surreply is considered) to point out a few key things:

1. *Class Counsel concede that they sent the deficiency e-mail to everyone that was not on Google's list of 5.8 million likely class members, and still do not explain how that list was created.* Class Counsel's effort to create the overall impression that this was a carefully designed effort to root out certain claims bearing some other "indicia of fraud" is betrayed by that admission.

2. *Class Counsel concede that they did not give Class Members the time the Settlement required.* The Settlement requires 14 days to respond to a deficiency inquiry. (Settlement Agreement ¶¶ 5.2, 7.4.) Class Counsel do not contest that they violated this requirement, but argue that it doesn't apply because another provision allows the outright denial of fraudulent claims. Class Counsel's interpretation—that the provision talking exactly about

deficiency inquiries doesn't govern deficiency inquiries—is facially spurious and undermines the fundamental premise of Class Counsel's motion: that the Court should just trust them.

3. *The additional declarations support Proposed Intervenor's view that the actual fraudulent claims should simply be denied without a deficiency process.* The new declarations set out examples of plainly-fraudulent claims. (Aldridge Supp. Aff. ¶¶ 9–11; Rasmussen Decl. ¶¶ 8–11.) If these claims are not already part of the 730,000 claims denied outright as fraudulent—a question that should certainly be answered at the hearing—they should be. It appears that in response to some minority of fraudulent claims mixed in with many legitimate claims, like Proposed Intervenor's, Class Counsel and the Administrator embarked on a broad-based deficiency process which will result in the denial of all of them. (Or, as Class Counsel points out, all but the 52,0000 people that responded out of 1.2 million claims, so denial of 95% of them.) If Class Counsel would actually share information with Proposed Intervenor, some reasonable process to validate and deny claims, without 1.2 million people needing to see an e-mail—which Class Counsel concede went to spam—and upload a drivers' license, could be suggested.

4. *Class Counsel refused to let Proposed Intervenor's counsel speak to the Administrator.* Rather than engage in open information sharing with Proposed Intervenor, Class Counsel have stonewalled to the greatest extent possible. (*See* Reply at 5–6, 14.) Class Counsel now mete out information in the form of declarations in their filings—a sophisticated form of hide-the-ball, but the ball remains hidden. Now, the Court is presented with dueling declarations and may rightly feel that it lacks the information necessary to decide what to do. If that's the case, Proposed Intervenor suggests that the Parties engage in a Court-supervised “settlement conference” or an evidentiary hearing to get the relevant information on the table and halt the game-playing.

Date: February 17, 2023

Respectfully Submitted,

JODI WHITE JONES

By: /s/ J. Eli Wade-Scott
One of Proposed Intervenor's Attorneys

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CERTIFICATE OF SERVICE

I, J. Eli Wade-Scott, an attorney, hereby certify that on February 17, 2023, I served the above and foregoing ***Proposed Intervenor Jodi White Jones' Surreply in Response to Class Counsel's Proposed Surreply*** on all counsel of record by causing true and accurate copies of such paper to be filed through the Court's electronic filing system.

/s/ J. Eli Wade-Scott