

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **IN RE GOOGLE PLAY STORE**
12 **ANTITRUST LITIGATION**

Case No. 3:21-cv-05227-JD

13 **THIS DOCUMENT RELATES TO:**

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

16 *In re Google Play Consumer Antitrust*
17 *Litigation*, Case No. 3:20-cv-05761-JD

DECLARATION OF
KEVIN BANDOIAN
IN SUPPORT OF STATES’
UNOPPOSED MOTION FOR FINAL
APPROVAL OF *PARENS PATRIAE*
SETTLEMENT

Judge: Hon. James Donato
Courtroom: 11, 19th Floor
Date: April 30, 2026 at 11:00 a.m.

I, Kevin Bandoian, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Managing Director of Berkeley Research Group, LLC (“BRG”), which was engaged to provide certain services in this matter. My business address is 810 Seventh Avenue, Suite 4100, New York, NY 10019.

2. I provide this declaration on behalf of BRG based on information and belief, personal knowledge, and the specific documents that I have read and cited in this declaration and which have been filed with the Court¹ in connection with the above-referenced litigation.

3. I am not an attorney and BRG is not a law firm and, as such, neither I nor BRG have provided any legal advice in this matter or made any representations regarding questions of legal interpretation. For any questions of legal interpretation, BRG and I have relied on Counsel for the Plaintiff States to provide such interpretation.

4. More specifically, I provide this declaration in connection with the expected distribution of amounts from the Settlement Fund to Settlement Consumers.

BRG’s Prior Work

5. Prior to my involvement in this matter, BRG was separately retained by the Plaintiff States and other plaintiffs to perform certain analyses in connection with this action.²

6. During the litigation, Google produced Google Play Store anonymized transaction data covering transactions by persons each assigned a two-letter postal abbreviation code corresponding to the person’s legal address in one of the U.S. states, territories, or armed forces regions during the period from March 5, 2009 through May 31, 2022. The data, which consisted of approximately 13 billion records, included detailed transaction-level information on payment status,

¹ Unless otherwise defined in this Declaration, all capitalized terms have the meanings set forth in the Settlement Agreement and Release, dated October 11-13, 2023 (the “Settlement Agreement,” which is attached as Exhibit A to the Declaration of Jayme L. Weber in Support of States’ Unopposed Motion for Final Approval of *Parens Patriae* Settlement).

² Saul Solomon, a Managing Director of BRG, was an expert witness for the Plaintiff States. Other current and former BRG professionals were also retained as experts or consultants by other plaintiffs in the action. In addition, BRG provided data hosting and limited summation of the data for other expert firms engaged in the action.

1 delivery status, currency codes, refund indicators, instrument type,³ pre-tax spend amounts,
 2 transaction date, and consumer identifiers. The data did not include any personal identifiable contact
 3 information (e.g., customer names, email addresses, or phone numbers).

4 7. In February 2024, the States asked BRG to identify Eligible Consumers and their
 5 qualifying purchases from the transaction data that Google had produced during the litigation and
 6 brought current through September 30, 2023 after the Settlement was announced. To do so, working
 7 under the direction of the States, BRG filtered the transaction data for transactions that:

- 8 i. were charged;⁴
- 9 ii. were delivered;⁵
- 10 iii. were not refunded;⁶
- 11 iv. did not involve test instruments;⁷ and
- 12 v. involved consumer spending greater than zero.⁸

13 8. Then, as directed by the States, BRG was asked to calculate what portion of the
 14 Settlement Fund would be allocated to each Eligible Consumer based on various assumed net
 15 remaining settlement amounts estimated by the States. For foreign currency transactions, BRG
 16 performed foreign exchange conversion to U.S. dollars using applicable exchange rates on the
 17
 18
 19

20 ³ The data set included transactions that are not consumer transactions, such as transactions that are
 21 generated by a developer that is testing its apps in the Google Play Store environment.

22 ⁴ This means the payment was successfully collected from the consumer. Other inputs would include
 23 descriptions like pending, canceled, or payment declined. Charged means the financial transaction
 24 actually cleared.

25 ⁵ This means the digital good or app was successfully provided to the consumer. A transaction could
 26 be charged but delivery could fail or be pending. This ensures the purchase was fulfilled end-to-end
 27 and not just billed.

28 ⁶ This means that no refund was issued. If a refund occurred, this field would contain the refunded
 amount in micros (one millionths of a currency unit).

⁷ Test instrument transactions are generated by developers testing their apps in the Google Play Store
 environment and not actual consumer purchases.

⁸ This means the consumer paid some amount for the app. As such, consumers who had zero
 spending during the time period were excluded. The total transaction amount before tax, inclusive
 of promotions, is expressed in millionths of the currency unit (micros).

transaction date.⁹ The final test calculation performed by BRG in spring 2024 assumed \$515 million in net remaining settlement funds would be available for distribution to Eligible Consumers.¹⁰ Based on instructions from the States, the expected distribution was calculated on a modified pro-rata basis assuming a \$2.00 minimum distribution guarantee to all Eligible Consumers. This methodology required two steps: (i) allocate \$2.00 to each of the Eligible Consumers (the “Minimum Payment”); and (ii) for only the Eligible Consumers who would have received \$2.00 or more on a pro-rata basis without considering the Minimum Payment, distribute the residual amount on a pro-rata basis.¹¹ My understanding is that the States incorporated the results of BRG’s analysis into the supplemental brief they filed with the Court on April 17, 2024.

BRG’s Current and Anticipated Work

9. On January 23, 2026, at the direction of the States, BRG pulled the Google Play Store transaction data out of “cold storage” so that it can be used to calculate the corresponding settlement distribution amount for each Settlement Consumer once the Court grants final settlement approval. There are approximately seven terabytes of Google Play Store transaction data, which will also need to be matched up with consumer email address and phone number information in order to effectuate the Settlement Distribution Plan.

10. On March 13, 2026, A.B. Data, Ltd. (“A.B. Data”), the firm that served as the Notice Administrator for the Settlement, provided BRG with certain consumer data, including names, hashed customer Google IDs, and email addresses,¹² which I understand was produced to A.B. Data by Google. My understanding is that email addresses are needed to remit settlement payments via

⁹ The Settlement applies to purchases made by consumers whose legal address was in one of the States. This would seem to indicate that all transactions for a monetary value should be in U.S. dollars. However, according to the transaction data and representations from Google, certain purchases by Eligible Consumers were made in foreign currencies. Monetary transactions in foreign currencies were translated into their U.S. dollar equivalent amount using the applicable daily currency exchange rates based on the last traded price per S&P CapitalIQ.

¹⁰ The \$515 million assumed distribution amount was determined by the States.

¹¹ One of the agreed-to filters is pre-tax sales revenue as discussed above. Thus, the States instructed BRG to rely on the pre-tax spend amount to perform the settlement amount allocation to Eligible Consumers.

¹² An email address may be associated with one or more hashed customer Google IDs.

1 PayPal and/or Venmo. A.B. Data also provided BRG with a list of consumers who have opted out
2 of the Settlement.

3 11. On March 16, 2026, Google provided BRG with a data set containing approximately
4 70 million unique phone numbers associated with hashed customer Google IDs in the transaction
5 database.¹³ My understanding is that phone numbers are needed to remit settlement payments via
6 PayPal and/or Venmo.

7 12. I understand that Verita Global, LLC (“Verita”) will serve as the Settlement
8 Administrator that will distribute the settlement payments to the Settlement Consumers.

9 13. In connection with the distribution of the net Settlement Fund amount to Settlement
10 Consumers, BRG is being asked to perform the following tasks:¹⁴

- 11 a. Host the transaction data provided by Google (approximately seven terabytes), as
12 well as the additional consumer data provided by A.B. Data and Google.
- 13 b. Incorporate the consumer contact information data provided by A.B. Data and
14 Google into the transaction database based on the customer’s hashed Google ID.
- 15 c. Identify any gaps or discrepancies within the database and relay such issues to the
16 States.
- 17 d. Incorporate any additional consumer data subsequently produced, if applicable.
- 18 e. Recalculate the settlement distribution amounts for the Settlement Consumers based
19 on an updated remaining Settlement Fund estimate to be provided by the States and
20 using the same agreed-upon methodology as described above. BRG will then provide
21 Verita with the settlement distribution amount by Settlement Consumer, along with
22 related email address(es) and phone number(s) associated with each Settlement
23 Consumer. Verita will be solely responsible for distribution of all settlement amounts
24 to Settlement Consumers, including any residual distributions.

25
26
27 ¹³ A phone number may be associated with one or more hashed customer Google IDs.

28 ¹⁴ Except for the data hosting, BRG has not yet begun to perform this work. BRG expects to perform this work over the next few months.

1 14. Based on the scope of work for BRG's current and anticipated work, I estimate
2 BRG's fees to total approximately \$350,000. This estimate is subject to change as the quality of the
3 data production is currently unknown and could change the scope of our work.

4
5 I declare under the penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7
8 Executed on March 23, 2026 in Washington, D.C.

9
10 

11
12 KEVIN BANDOIAN