

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class action)

No.: 500-06-001079-207

OPTION CONSOMMATEURS

Plaintiff

v.

GOOGLE LLC

Defendant

SWORN STATEMENT OF ANDRE GOLUEKE

I, the undersigned, Andre Golueke, Senior Legal Operations Manager at Google LLC (“**Google**”), 201 Spear Street, San Francisco, California, USA, 94105, declare under oath that:

1. I have been employed by Google LLC since July 18, 2011.
2. As a result of my employment, I have personal knowledge of the matters hereinafter deposed to, except where I have obtained information from others. Where I have obtained information from others, I verily believe that information to be true.
3. I reviewed the *Application by Defendant Google LLC for Leave to Adduce Evidence* (the “**Application**”).
4. The English and French versions of Google Analytics’ Terms of Service, referred to at paragraph 10 of the *Application by Defendant Google LLC for Leave to Adduce Evidence*, including the French version last updated on March 2021 and the English version last updated on June 2019, are communicated jointly as **Exhibit G-1**.
5. The English and French versions of the Terms of Service are publicly available at the following Uniform Resource Locator (“**URL**”): https://www.google.com/analytics/terms/?hl=en_US and are found in the Google Analytics section of Google’s website. By navigating to the URL above, the user can choose the language in which he or she wants to review Google Analytics’ Terms of Service.

6. The English and French versions of Google Analytics' Privacy Disclosures Policy, referred to at paragraph 12 of the *Application by Defendant Google LLC for Leave to Adduce Evidence*, as last updated on or around May 2018, are communicated jointly as **Exhibit G-2**.
7. The English and French versions of the Privacy Disclosures Policy are publicly available at the following URLs: <https://support.google.com/analytics/answer/7318509?hl=en> / <https://support.google.com/analytics/answer/7318509?hl=fr>) and are found in the Google Analytics Help Center.
8. The English and French versions of Google Analytics' Upload Data Use Policy, referred to at paragraph 12 of the *Application by Defendant Google LLC for leave to Adduce Evidence*, as last updated on or around March 2016, are communicated jointly as **Exhibit G-3**.
9. The English and French versions of the Upload Data Use Policy are publicly available at the following URLs: <https://support.google.com/analytics/answer/2838984?hl=en> / <https://support.google.com/analytics/answer/2838984?hl=fr>) and are found in the Google Analytics Help Center.
10. The English and French versions of the Google webpage entitled "Clear, enable, and manage cookies in Chrome", referred to at paragraph 18 of the *Application by Defendant Google LLC for Leave to Adduce Evidence*, as last updated on or around April 2017, are communicated jointly as **Exhibit G-4**.
11. The English and French versions of the Google webpage entitled "Clear, enable, and manage cookies in Chrome" are publicly available at the following URLs: <https://support.google.com/chrome/answer/95647?hl=en#zippy=%2Callow-or-block-cookies> / <https://support.google.com/chrome/answer/95647?hl=fr#zippy=%2Callow-or-block-cookies> and are found in the Google Chrome Help Center.
12. The English and French versions of the Google webpage entitled "Choose your privacy settings", referred to at paragraph 19 of the *Application by Defendant Google LLC for Leave to Adduce Evidence*, as last updated on or around April, 2021, are communicated jointly as **Exhibit G-5**.
13. The English and French versions of the Google webpage entitled "Choose your Privacy Settings" are publicly available at the following URLs: https://support.google.com/chrome/answer/114836?hl=en&ref_topic=9845306 / https://support.google.com/chrome/answer/114836?hl=fr&ref_topic=9845306 and are found in the Google Chrome Help Center.
14. Every time a Google Chrome user opens a private browsing session, the notice described at paragraph 20 of the *Application by Defendant Google LLC for Leave to Adduce Evidence* and communicated as **Exhibit G-6** will appear.

15. When a user clicks on “Learn More”, on the notice filed as Exhibit G-6, he or she can access several documents in the Google Chrome Help Centre, including but not limited to one entitled “How Chrome Incognito keeps your browsing private” and one entitled “How private browsing works in Chrome” described at paragraph 20 within the *Application by Defendant Google LLC for leave to Adduce Evidence*, last updated on or around July 2020 and on or around October 2020 respectively, which are communicated as **Exhibit G-7** and **G-8**
16. The English and French versions of the Google webpage entitled “How Chrome Incognito keeps your browsing private” are publicly available at the following URLs:<https://support.google.com/chrome/answer/9845881?hl=en#zippy=%2Chow-incognito-mode-works%2Chow-incognito-mode-protects-your-privacy%2Cyoure-in-control>
<https://support.google.com/chrome/answer/9845881?hl=fr#zippy=%2Chow-incognito-mode-works%2Chow-incognito-mode-protects-your-privacy%2Cyoure-in-control%2Cfonctionnement-du-mode-navigation-priv%C3%A9%2Cvous-avez-le-contr%C3%B4le%2Ccomprendre-comment-le-mode-navigation-priv%C3%A9-prot%C3%A8ge-votre-vie-priv%C3%A9> and are found in the Google Chrome Help Center.
17. The English and French versions of the Google webpage entitled “How Private Browsing Works in Chrome” are publicly available at the following URLs:
<https://support.google.com/chrome/answer/7440301?hl=en&co=GENIE.Platform%3DAndroid> /
<https://support.google.com/chrome/answer/7440301?hl=fr&co=GENIE.Platform%3DAndroid> and are found in the Google Chrome Help Center.
18. Every time a Google Chrome user activates the “Do Not Track” feature, the notice mentioned at paragraph 23 of the *Application by Defendant Google LLC for leave to Adduce Evidence* and communicated as **Exhibit G-9** will appear.
19. All facts herein are true and correct.

AND I HAVE SIGNED in Orinda, California, on October 7, 2021:

E-SIGNED by Andre Golueke
on 2021-10-07 16:24:49 GMT

Andre Golueke

Declared under oath remotely before me by technological means in Ste-Julie, on October 7, 2021.

E-SIGNED by Nathalie Angers
on 2021-10-07 16:27:37 GMT

Nathalie Angers
Commissioner for Oaths for Québec and for
outside of Québec # 137 908

Angers, Nathalie

De: Angers, Nathalie
Envoyé: October 7, 2021 12:54 PM
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Cc: Chênevert, Karine; Grondin, François; Plante, Patrick; Gratton, Eloïse
Objet: NOTIFICATION: 500-06-001079-207 / Option Consommateur c. Google LLC / Sworn Statement in Support of Google's Application for Leave to Adduce Evidence
Pièces jointes: 2021-10-07- Sworn Statement in support of Google's Application for leave to adduce evidence(124321144.4).pdf

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	Plante, Patrick	Remis: 2021-10-07 12:54 PM
	Gratton, Eloïse	Remis: 2021-10-07 12:54 PM
	Gamache, Antoine	Remis: 2021-10-07 12:54 PM

BORDEREAU DE NOTIFICATION PAR COURRIER ÉLECTRONIQUE (ARTICLE 134 C.P.C.)

DATE :

Montréal, le 7 octobre 2021

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NUMÉRO DE DOSSIER DE COUR ET NATURE DU DOCUMENT NOTIFIÉ :

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Parties : Option Consommateur c. Google LLC
Nature du document : **Sworn Statement in Support of Google's Application for Leave to Adduce Evidence**

Nombre de pages : - 4-
(pièces jointes seulement)



Nathalie Angers

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SUPERIOR COURT
(Class action)

DISTRICT OF MONTRÉAL
No.: 500-06-001079-207

OPTION CONSOMMATEURS

Plaintiff

v.

GOOGLE LLC

Defendant

**SWORN STATEMENT IN SUPPORT OF
GOOGLE'S APPLICATION FOR LEAVE TO
ADDUCE EVIDENCE**

ORIGINAL

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