

1 Joseph R. Saveri (State Bar No. 130064)  
 Steven N. Williams (State Bar No. 175489)  
 2 Kevin Rayhill (State Bar No. 267496)  
 Elissa A. Buchanan (State Bar No. 249996)  
 3 **JOSEPH SAVERI LAW FIRM, LLP**  
 601 California Street, Suite 1000  
 4 San Francisco, CA 94108  
 Telephone: (415) 500-6800  
 5 Facsimile: (415) 395-9940  
 Email: jsaveri@saverilawfirm.com  
 6 swilliams@saverilawfirm.com  
 krayhill@saverilawfirm.com  
 7 eabuchanan@saverilawfirm.com

8 Daniel H. Charest (admitted *pro hac vice*)  
**BURNS CHAREST LLP**  
 9 900 Jackson Street, Suite 500  
 Dallas, TX 75202  
 10 Telephone: (469) 904-4550  
 Facsimile: (469) 444-5002  
 11 Email: dcharest@burnscharest.com

Patrick D. Murphree (admitted *pro hac vice*)  
 Harry R. Yelton (admitted *pro hac vice*)  
**BURNS CHAREST LLP**  
 365 Canal Street , Suite 1170  
 New Orleans, LA 70130  
 Telephone: (504) 799-2845  
 Facsimile: (504) 881-1765  
 Email: pmurphree@burnscharest.com  
 ryelton@burnscharest.com

*Attorneys for Plaintiff and the Proposed Class*

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

17 **JANE DOE**, individually and on behalf of all others  
 18 similarly situated,

*Plaintiff,*

v.

**YOUTUBE, INC.,**

*Defendant.*

Civil Case No. 4:20-CV-07493-YGR

**SUPPLEMENTAL DECLARATION OF  
 DANIEL CHAREST IN SUPPORT OF  
 PLAINTIFF'S MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT**

Date: May 12, 2023  
 Time: 10:30 a.m.  
 Judge: Hon. Yvonne Gonzalez Rogers  
 Location: Courtroom 1

1 I, Daniel Charest, declare and state as follows:

2 1. I make this supplemental declaration in support of Plaintiff’s Class Motion for Final  
3 Approval of Class Action Settlement. I am over 18 years of age, and I have personal knowledge of the  
4 facts set forth herein. If called as a witness, I could and would testify competently to them. I make this  
5 declaration pursuant to 28 U.S.C. § 1746.

6 2. I am an attorney licensed to practice in Texas, Virginia (inactive), the District of  
7 Columbia, and the U.S. Virgin Islands. I have been admitted *pro hac vice* in this case. I am a co-founder  
8 and managing partner of Burns Charest LLP (“Burns Charest”) in Dallas, Texas. I serve as co-counsel  
9 for Jane Doe (“Plaintiff”) in this action. On September 30, 2022, the Court appointed Burns Charest  
10 and Joseph Saveri Law Firm (“JSLF”) as Class Counsel in this case. ECF No. 63.

11 3. As described in my supplemental declaration in support of Motion for Preliminary  
12 Approval of Class Action Settlement and Appointment of Settlement Class Counsel, ECF No. 58-2, and  
13 my declaration in support of Motion for Final Approval of Class Action Settlement, ECF No. 67-5, I  
14 believe that the settlement reached in this case is a fair and just outcome for the members of the class  
15 because it provides financial compensation for the harms caused by YouTube’s past practices that  
16 impacted content moderators’ mental health and provides for improvements to the work environment  
17 for content moderators in the future.

18 4. The parties have proposed the International Society for Traumatic Stress Studies as the  
19 *cy prè*s recipient. This organization is dedicated to the study of traumatic stress such as that suffered by  
20 the class members in this case and is therefore an appropriate recipient of any funds that cannot be  
21 distributed to class members because payments have been rejected, returned, or expired.

22 5. To my knowledge as of the date of this declaration, no members of the proposed class  
23 have objected to or opted out of the settlement. I believe that the lack of objections reflects the class  
24 members’ tacit acknowledgement that the settlement is fair, reasonable, and adequate.

25 6. Since mid-2020, Burns Charest has performed work on this case, including the  
26 following tasks:

1 a) engaging in multiple interviews with members of the proposed class to  
2 understand the nature of content moderators' work for YouTube and identify potential  
3 candidates to serve as class representatives;

4 b) with JSFL, drafting a vigorous opposition to YouTube's Motion to Dismiss and  
5 preparing for oral argument on the same;

6 c) with JSFL, engaging in extensive efforts to mediate the claims of the proposed  
7 class before the Hon. Rebecca Westerfield (Ret.) during two mediation sessions in March 2022,  
8 following which a settlement was reached in principle;

9 d) with JSFL, meeting and conferring with YouTube's counsel on multiple  
10 occasions to hammer out the details of the Settlement Agreement;

11 e) with JSFL, interviewing experts in trauma-related psychology and, in  
12 consultation with those experts, drafting safeguard protocols for incorporation into the  
13 settlement as injunctive relief;

14 f) with JSFL, engaging in extensive informal discovery with YouTube and  
15 Accenture (YouTube's vendor providing content moderation services), including serving a  
16 subpoena to ascertain the size of the class in order to ensure the adequacy of the monetary  
17 portion of the settlement and arranging several rounds of communications between Plaintiff's  
18 experts and YouTube's internal Mental Health Officers to enable Plaintiff's experts to acquire  
19 the information about YouTube's practices to ensure that the injunctive portion of the settlement  
20 would effectively help to mitigate harm to content moderators;

21 g) with JSFL, identifying and researching potential *cy prè*s recipients and  
22 presenting a recommendation to this Court;

23 h) with JSFL, drafting the motion for preliminary approval and its ancillary  
24 documents;

25 i) with JSFL, meeting and conferring with YouTube's counsel to adjust the  
26 settlement amount upward in light of the increase in the class size between the filing of the  
27 motion for preliminary approval and the date of preliminary approval;

28

1           j)       with JSLF, conducting a notice plan, drafting and planning Long Form Notice  
2 and Summary Notice forms, overseeing implementation of notice plan, and coordinating with  
3 the settlement administrator to ensure that the notice was sent out;

4           k)       with JSLF, preparing the motion for attorneys' fees, costs, and service awards  
5 and gathering time and expense information in support of the same, for presentation to this  
6 Court.

7           l)       with JSLF, ensuring that e-mail (and postcard, where appropriate) notice of  
8 preliminary approval of the settlement was, to the extent practicable, sent to the members of the  
9 class by the settlement administrator;

10          m)       researching to identify mailing addresses for certain class members for whom e-  
11 mail addresses had not been provided;

12          n)       with JSLF, engaging in conversations with the settlement administrator, counsel  
13 for YouTube, and counsel for Accenture to obtain mailing addresses for each class member in  
14 order that settlement payments may be made following final approval without requiring class  
15 members to affirmatively provide information in order to receive a payment. As a result of these  
16 conversations, Accenture provided class counsel with mailing addresses for 260 class members  
17 for whom only e-mail addresses had been provided originally;

18          o)       with JSLF, preparing the motion for final approval of the class settlement;

19          p)       with JSLF, working with the settlement administrator to ensure that CAFA notice  
20 was sent;

21          q)       with JSLF, communicating with counsel for YouTube regarding outreach from  
22 the office of the California Attorney General following receipt of CAFA notice;

23          r)       with JSLF, ensuring that e-mail (and postcard, where appropriate) notice of the  
24 change date of the final approval hearing was, to the extent practicable, sent to the members of  
25 the class by the settlement administrator;

26          s)       drafting notice to be sent to the class members following final approval that  
27 would also provide them an opportunity to elect an electronic form of payment or update their  
28 mailing address;

1 t) drafting notice to be sent to the 4 class members for whom no mailing addresses  
2 are available notifying them that they must provide a mailing address or elect a form of  
3 electronic payment in order to receive a payment from the settlement;

4 u) coordinating with the settlement administrator to provide a declaration accurately  
5 describing the steps undertaken to develop a more complete address list for the class and  
6 provide adequate notice to the class;

7 v) with JLSF, coordinating with the settlement administrator to ensure that the  
8 settlement website was prepared to be updated and notices prepared to be sent to class members  
9 as soon as possible following final approval in order to give class members maximum time in  
10 order to update their mailing addresses and/or elect a form of electronic payment.

11 w) regularly checking the settlement website to ensure that it remains live and  
12 available to the class. At each of the dates listed in **Exhibit 1**, the settlement website was live.

13 7. The schedule attached as **Exhibit 2** is a summary chart indicating the amount of time  
14 spent by the attorneys and other professional support staff at Burns Charest who were involved in this  
15 litigation and the lodestar calculation based on my firm's billing rates for the period from the inception  
16 of the case through April 30, 2023. The schedule was prepared from contemporaneous, daily time  
17 records regularly prepared and maintained by my firm and which are attached for the Court's review as  
18 **Exhibit 3**.<sup>1</sup> The total lodestar amount for my firm's work at current rates is **\$319,372.50** based upon  
19 **408.5** hours billed.

20 8. As detailed in the attached **Exhibit 4**, based on a review of our records, Burns Charest  
21 has incurred a total of **\$9,443.10** in unreimbursed expenses during the period from inception to April  
22 30, 2023. The records of these expenses are maintained by Burns Charest in the regular course of  
23 business and are evidenced by invoices, bills, and records of the firm's automated cost recovery  
24 applications. Burns Charest incurred additional costs that are not included in this calculation.


25 9. Burns Charest reasonably anticipates expending additional time and incurring additional  
26 expenses in the case in the future, including with respect to settlement administration and addressing  
27

28 <sup>1</sup> Potential class representatives to whom Burns Charest attorneys and staff have spoken have been  
anonymized in these records.

1 inquiries from class members regarding the settlement and settlement administration. This additional  
2 time is not included in this declaration, the attached exhibits , or Plaintiff’s Motion for Final Approval  
3 of Class Action Settlement.

4 10. In light of the uncertainty of success in the litigation, the monetary and non-monetary  
5 results obtained for the Class, and the value of the work performed, Class Counsel request a fee award  
6 of \$1,416,163.44, which represents 30% of the \$4,702,544.80 common fund.

7 I declare under penalty of perjury and the laws of the United States that the foregoing is true  
8 and correct, and this declaration is executed in St. Croix, United States Virgin Islands, on May 8, 2023.

9  
10 By:   
11 Daniel Charest