

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

United States of America, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03010-APM

HON. AMIT P. MEHTA

State of Colorado, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03715-APM

HON. AMIT P. MEHTA

Ex. No.

UPX8071

1:20-cv-03010-APM

DECLARATION OF JIM KOLOTOUROS

I, Jim Kolotouros, declare as follows:

1. Since 2016, I have been employed as the Vice President of Android Platform Partnerships at Google LLC (Google). In that role, I manage a team of employees that administer certain of Google's Android partnerships with Original Equipment Manufacturers (OEMs) and Original Device Manufacturers (ODMs).

2. In December 2019, I received a legal hold notice concerning certain investigations that preceded the above-captioned actions. In January 2021, I received a legal hold notice

concerning the litigation phase of the above-captioned actions. From time to time, I have received emails providing guidance and reminders regarding my legal hold obligations.

3. In general, I do not use Google Chat as a means for engaging in substantive communications about business matters. I typically use Google Chat for non-substantive or personal communications with other Google employees. My general practice is to engage in substantive communications about business matters through email, shared documents, or live communications (i.e., in person, by phone or by video). From time-to-time other employees may initiate substantive communications with me through Google Chat. Depending on the situation, I will either respond in Google Chat, set up a meeting, or discuss by email. I do not recall any substantive topic as to which Google Chat was my main or exclusive mode of communication.

4. From May 1, 2019 until February 2023, my typical practice was to have the default setting for one-on-one and informal group conversations on Google Chat I initiated set to history off. From time-to-time during that period, other employees initiated Google Chat with me, some of which may have been set to history on and some of which may have been set to history off. I do not typically initiate Google Chat groups (now called “Spaces”), though I may have communicated in some Google Chat groups with history on and in some Google Chat groups with history off. I do not recall (i) changing the history setting of any Google Chat, nor (ii) changing any setting to avoid the preservation of documents subject to a legal hold.

5. From May 1, 2019 to the present, I do not recall any specific instances in which I initiated communication about substantive matters relevant to the above-captioned cases over Google Chat with history off. From time-to-time, there may have been some instances in which another employee initiated communication with me about substantive matters relevant to the

above-captioned cases over Google Chat with history off, but I do not recall the specifics of any such instance and I do not recall changing the settings for such Google Chats.

6. I understand that in a recent briefing, Plaintiffs referenced an email in which I asked another Google employee to “chat live” rather than over email about an issue pertaining to Android smartphone’s photos functionality. I have reviewed that email. That email did not relate to any agreement between Google and an Android OEM for the distribution of Google Search, but instead related to conversations with OEMs regarding the camera function on Android phones. When I said “chat” in the email, I was not referring to Google Chat, but was instead suggesting to a colleague that we set up a time to talk by telephone or video conference. It is not my practice to suggest to colleagues that they use Google Chat rather than email to avoid the creation and collection of documents subject to a legal hold.

* * * *

I declare under penalty of perjury, 28 U.S. Code § 1746, that the foregoing is true and correct.

Executed on this 24th Day of May 2023, in Saratoga, CA.

Redacted

Jim Kolotouros