Rodger v Google

Distribution Plan

I. Introduction

1. This Distribution Plan describes Angeion's proposed approach to notice, claims administration and payment distribution based on the settlement structure, economic analysis, transaction data and proposed methodology provided to Angeion by Prof Rodger, Geradin Partners and Fideres. Angeion has not independently developed or validated the economic methodology or underlying damages calculations described herein, except to the extent necessary to assess their implementation from an administrative perspective. Section II summarises Angeion Group LLC's ("Angeion") relevant experience from comparable app-developer distributions; Section III sets out the proposed claims and payment administration process in these proceedings and addresses expected take-up, both by number of class members and by value.

2. Prof Rodger has appointed Angeion to administer the claims and payment process. Angeion Group is a leading provider of technology-enabled legal administration services, including class action and mass tort settlement administration, legal noticing, bankruptcy administration, and single-event personal injury administration services. Known for its innovation, precision, and client service, Angeion supports complex litigation through technology-driven, transparent solutions. Angeion also provides strategic guidance and comprehensive distribution capabilities, helping clients seamlessly manage all administrative functions.

II. Relevant experience from comparable claimants

3. Angeion has administered two substantial US app developer settlements that provide useful comparators for these Proceedings: *Cameron v Apple Inc* ("*Cameron*") and *In re Google Play Developer Antitrust Litigation*. While there are differences between those settlements and the present proceedings, there are significant overlaps. In each case, the class comprised businesses operating app developer accounts; platform and transaction data could be used to identify developers and calculate entitlements; and the administration involved direct notice, questions of developer ownership or authority, and the distribution of substantial settlement sums.

4. *Cameron* concerned a US$100 million settlement for US iOS App Store developers. The class comprised 67,440 eligible developer accounts. At the close of the claims process, the level of uptake amounted to 13.21% of eligible accounts and 32.10% of the settlement sum available to the class, with participation increasing materially with developer revenues. Once developers had successfully engaged, payment completion was very high. By January 2025, 8,658 of 8,935 settlement payments – 97% by number and 99% by value – had been paid.

5. *In re Google Play Developer Antitrust Litigation* concerned a US$90 million settlement for Android app developers and comprised 47,972 eligible developer accounts.

6. The principal distinction is that both US settlements were confined to smaller developers. Cameron applied a US$1 million annual App Store proceeds threshold and US Google Play a US$2 million

annual Google Play proceeds threshold, whereas the Class in these proceedings is not limited to smaller developers only.

7. From an administrative perspective, *Cameron* and *In re Google Play Developer Antitrust Litigation* provide useful experience relevant to the proposed process in the Rodger proceedings. In those matters, platform and transactional data were used to establish eligibility and calculate entitlements without requiring developers to recreate records already maintained by the relevant platform. Direct and repeated notice is also effective. Verification should distinguish between entitlement, the authority of the person acting for the developer, and the payment destination.

8. The present class nevertheless differs from the US comparators. It is not confined to small developers and the analysis of Prof Rodger's economic advisors, Fideres, indicates distribution of claims value is skewed towards higher revenue developers. According to modelling provided by Fideres, approximately [redacted] of the modelled claim value is concentrated in the top [redacted] developers with revenues of over [redacted] over the relevant period (equivalent to over [redacted] of revenue annually).

9. Angeion proposes to draw principally on the records-based entitlement and low-friction confirmation process used in the US cases. Developers matched to transactions in the transaction data disclosed by Google to Prof Rodger ("**Rodger transaction data**") will not be required to prove matters already established by those records. They should instead authenticate, take proportionate steps to confirm their entitlement, review their calculated entitlement and provide payment details. The requirement for further evidence will be limited to claims where: (i) the developer cannot be easily matched to transactions in the Rodger transaction data, or (ii) there are disputes or ownership or succession issues, with enhanced authority and payment verification for higher-value developers.

III. Proposed claims and payment administration process

A. Summary

10. In brief, the settlement is intended to be distributed as follows:

    a. **Entitlements**: The entitlements of represented persons are to be calculated by reference to the Rodger transaction data, with further evidence required to be submitted by class members only in limited circumstances, such as where the developer requests a review of their entitlement or has not been matched to the transactions in the Rodger transaction data.

    b. **Notice**: Notice to represented persons will be achieved primarily by email, supported by a media / PR strategy and – where appropriate – postal and telephone communications.

    c. **Default payment method**: The default payment method will be a bank transfer, with details provided by the represented persons to Angeion via a secure portal. Where bank transfer is not practicable, Angeion may make available an alternative payment method, including payment by cheque, subject to operational requirements.

    d. **Verification**: A developer's entitlement, authority to claim and payment destination will all be subject to verification, with controls scaled according to award value and risk.

e. **High-value claims**: Developers with particularly large claims will receive enhanced outreach, authority and bank controls.

B. Overview of proposed class splits

11. We understand that the proposed settlement sum is £260 million (the "**Settlement Sum**"). That sum is proposed by the Class Representative to be divided into two pots:

    a. £160 million for distribution to Represented Persons, referred to as the "**Class Pot**"; and

    b. £100 million for costs, fees and disbursements, referred to as the "**Stakeholder Pot**".

C. Overview of class

12. The table below, prepared by Fideres, groups developers by revenue size and shows, for each band, the number of developers, their average estimated claim value within that band, and the average settlement sum that would result if the £160 million Class Pot were distributed proportionately to their claim values.

13. The average settlement sum figures for developers are included for illustrative purposes only: the proposed distribution methodology does not involve fixed lump sum payments for certain larger developers, whose entitlements would instead be calculated individually. For smaller developers, we understand that the proposed methodology would provide a lump-sum payment that is higher than the average modelled settlement amount for that group, with the stated objective of simplifying administration and encouraging participation. In their note, Fideres illustrate in Table 1 how the modelled claim value is distributed across the Class and to inform the proposed distribution methodology.

D. Arrangements for holding the Settlement Sum pending distribution

14. The Settlement Sum will be held pending distribution in a secure, segregated, interest-bearing escrow account held through AGI Trust Corporation and established for the purposes of settlement administration. Funds will remain in that account, held on trust, pending completion of the claims process, final reconciliation and further Order of the Tribunal.

E. Calculation of individual entitlements

15. Individual developer entitlements will be calculated by Fideres. Based on the methodology described to Angeion by Fideres and Geradin Partners, the Class Pot is proposed to be allocated among Represented Persons in proportion to their assessed damages. For developers with revenues of more than £7,500 during the relevant period, individual entitlements will be calculated by reference to their assessed share of aggregate damages. For example, a developer whose assessed damages represent 1% of Fideres' estimated aggregate damages figure would receive approximately 1% of the Class Pot. Developers with revenues of £7,500 or less, who comprise the majority of the class by number but a small proportion of total claim value, will instead be offered a fixed lump-sum payment of £200, irrespective of their individual assessed damages, in order to encourage participation, and to reduce the administrative burden of calculating losses on an individualised basis.

16. In summary, and based on input from Fideres and Geradin Partners (Prof Rodger's solicitors), we understand that the proposed methodology is as follows:

    a. We understand that Fideres has calculated total aggregate damages using the Rodger transaction data disclosed in the proceedings. Because the available data only goes up to March 2025, Fideres has adjusted the total aggregate damages figure by extrapolating from the Rodger transaction data to cover the further period up to 31 July 2026.

    b. Each developer will be identified and verified by reference to its Developer ID, which will be matched against the Rodger transaction data. Under the methodology described by Fideres, each developer's observed share of transactions in the available data would be used to estimate its share of transactions for the period to 31 July 2026, without requiring the provision of new transaction data.

    c. Where a developer cannot be matched to transactions in the Rodger transaction data, or a developer disputes the data attributed to it, supporting information will be requested such as that developer providing its own transaction records extracted from its developer account on the Google Play Console.

    d. For developers with revenues of more than £7,500 in the relevant period, and for smaller developers who request an individual calculation, Fideres will calculate damages using transaction data for that developer and the methodology set out in Prof Fletcher's Third Expert Report. The developer's individual damages figure will then be divided by the aggregate damages figure to identify its percentage share of the Class Pot.

    e. There will be an adjustment process at the end of the claim period to account for developers who could not be matched to transactions in the Rodger transaction data but who nonetheless had valid claims and any adjustments necessitated as a result of individual developer reviews. Those additional or adjusted damages will be incorporated into the aggregate damages figure Fideres used in step 1.

    f. Developers with revenues of £7,500 or less in the relevant period will be offered a fixed lump sum of £200. These developers may still elect to have their entitlement calculated individually.

    g. The final reconciliation process will ensure that the aggregate value of approved claims does not exceed the Class Pot.

17. Further details of the calculation methodology are provided in the Fideres memorandum.

18. In relation to the proposed lump-sum payment of £200 for developers with revenues of £7,500 or less, we understand from Fideres and Geradin Partners that this is expected to apply to approximately [redacted] developers and that the proposed fixed payment is intended to simplify the distribution process and encourage participation by smaller developers. Based on the participation assumptions and modelling provided to Angeion, Fideres presently expects the associated uplift to be funded from amounts that would otherwise remain undistributed.

19. We will work with Fideres to administer the Settlement Sum. Our role will be to administer notice, portal access, communications, identity and authority verification, submission management,

payment data collection, payment controls, failed-payment handling, reporting and administration records. Fideres will be responsible for valuing and verifying claims by applying the approved distribution methodology to the data, including the fixed-payment approach for smaller developers and the individual calculation process for developers requiring an individual assessment.

20. Where a developer raises a query about the calculation, we would manage the submission and communications process, while Fideres would assess the calculation issue and provide the revised or confirmed claim value for administration purposes.

21. Where the issue concerns legal ownership, succession, authority or contested entitlement, we would identify and collect the relevant information and escalate the matter for determination, involving Geradin Partners where required.

F. <u>Class notice</u>

22. The class notice programme is intended to maximise the likelihood that Represented Persons understand that they have been identified as potentially having a claim to sums in the Class Pot, know what action is required, and have a straightforward route to confirm their entitlement and payment details. Google will provide developer email addresses for the c.[redacted] developers in the Rodger transaction data from 22 August 2018 to 22 August 2024, where available to Google and to the extent that Google is able to share in compliance with its legal / regulatory obligations, which will facilitate direct noticing as part of the distribution process.

23. The notice process will include:

    a. direct email notices to developers for whom contact details are available (including from claim website registrations, Prof Rodger's existing communications, and from Google);

    b. reminders during the claim period, including targeted reminders where necessary for developers who have not claimed or whose submissions are incomplete;

    c. fallback outreach where appropriate, including postal, telephone or other appropriate channels where direct notice fails or engagement is low;

    d. paid search, social and programmatic advertising;

    e. website providing centralised information about the distribution process, FAQs, calculation explanations, anti-fraud guidance and access to support; and

    f. email support, chatbot and telephone line for centralised information about the distribution.

24. Enhanced outreach will be appropriate for high-value developers, including additional follow ups by email, telephone and post in the event of non-engagement. Based on Angeion's administrative experience, an initial award-value threshold of £20,000 could serve as a reasonable starting point for enhanced outreach, similar to the $20,000 threshold used in the US comparator matter. This threshold should remain subject to review as the administration progresses.

G. Claims administration, verification and claim period

25. The proposed model is intended to minimise friction for represented persons whose entitlement can be established objectively from the Rodger transaction data. For developers who can be matched to transactions in the Rodger transaction data, the process should operate as a confirmation and payment election exercise rather than a conventional claim requiring evidence.

26. For developers already matched to transactions in the Rodger transaction data, the developer would be given an individual notice containing the following information:

    a. a statement that the developer has been identified as eligible to claim a sum from the Class Pot;

    b. details of the relevant Developer ID or IDs; and

    c. an indication that they are entitled to the £200 fixed award or alternatively to a provisional individual award calculation.

27. Following the notice process, the developer would be required to authenticate their details and confirm key information through the secure portal. This would include:

    a. confirming the relevant Developer ID or IDs;

    b. confirming the legal owner, any successor entity and the authority of the person acting;

    c. in the case of certain large developers identified in the settlement agreement, certifying that:

        i. they are entitled to pursue claims in respect of transactions in issue which were made via the Google Play Store or within an app distributed on the Google Play Store on which a service fee was charged in the period 22 August 2018 to 22 August 2026 (the "**Relevant Transactions**"); and

        ii. their Related Parties[1] will not make a Claim[2] in respect of the Relevant Transactions;

    d. accepting or querying the fixed award or provisional individual calculation;

    e. entering bank account details for payment through the secure portal; and

    f. certifying that the information is accurate and that the submitter is authorised to receive the payment.

28. Developers will only be required to provide supporting information where:

    a. they are not matched to transactions within the Rodger transaction data;

    b. they dispute the data or payment calculation; or

[1] As defined in the Settlement Agreement.
[2] As defined in the Settlement Agreement.

   c. there are ownership, succession or fraud issues.

29. A separate form will be provided to developers who do not receive direct notice or cannot be matched to transactions within the Rodger transaction data but believe they are a Represented Person.

30. Verification would be proportionate and risk based. Our proposed approach distinguishes between three verification questions:

   a. **Entitlement**: Whether the Developer ID and Rodger transaction data establish that the developer is within the class and what award should be calculated.

   b. **Authority**: Whether the person completing the process is authorised to act for the legal owner or successor.

   c. **Payment destination**: Whether the proposed bank account is an appropriate destination for payment to the entitled entity.

31. Low-value fixed payments will be subject to streamlined identity, authority and payment checks. Higher-value disputed or complex claims may require additional evidence, manual review, bank account validation and escalation to Prof Rodger's legal advisers.

32. Represented persons will be invited to claim their entitlement during a claim period of four months.

H. Payment process

33. Following the end of the claim period, Angeion and Fideres would complete a final reconciliation process. That process would identify approved claims, unresolved claims, any reserve required for open issues, any failed or invalid payment details, and the amount of any undistributed damages.

34. We understand that the Class Representative will then return to the Tribunal for approval of the final distribution and the stakeholder payments. Once Tribunal approval has been obtained, we would prepare and release payments in accordance with the approved payment protocol. The protocol is expected to include:

   a. validation of payment fields and payment destination details;

   b. bank account checks, including Confirmation of Payee where available and appropriate;

   c. duplicate account, duplicate Developer ID and fraud screening;

   d. reconciliation of the number and value of payments to the approved calculation file;

   e. two-person approval of the final payment file; and

   f. post-payment reconciliation, including confirmation of successful, rejected or returned payments.

35. Based on information provided by the Class Representative, no payments will be made until further Order of the Tribunal.

36. To support the further Tribunal hearing, we would expect to provide reporting on notice reach, completed claims, verified claims, calculation queries, unresolved matters, approved payment value, payment readiness, expected failed-payment risk, and the amount of any undistributed damages. This reporting would enable the Tribunal to assess the outcome of the administration process before payments are made.

I. Failed or returned payments.

37. Failed or returned payments would be held within the settlement fund and managed through a structured cure process in which we propose to:

    a. identify the reason for failure or return;

    b. contact the developer through a secure channel and require re-authentication before bank details are changed;

    c. repeat relevant payment validation checks on any corrected details;

    d. hold payments where there is a mismatch, competing claim, suspected fraud, dissolved entity, acquisition issue or unresolved authority concern;

    e. run one or more controlled reissue waves for corrected and approved payments; and

    f. include any remaining failed, unclaimed or unresolved amounts in a final report on undistributed amounts.

38. The treatment of any amounts that remain undistributed after the claims, cure and reconciliation process would be addressed as part of a second hearing before the Tribunal.

39. We understand that the parties have agreed to seek the Tribunal's directions as to the treatment of any undistributed sums. We understand that Prof Rodger currently proposes that undistributed damages could in the first instance be available to meet stakeholder entitlements not covered by the Stakeholder Pot (subject to the Tribunal's approval at a second hearing), and that Google will make its own submissions as to the treatment of any undistributed sums at the relevant time.

J. Anticipated timing

40. The following timing estimates are preliminary and assume timely receipt of any additional contact or implementation information required for the administration, required approvals, payment-provider arrangements and other information necessary to implement the proposed process. The Rodger Transaction Data has already been provided and analysed by Fideres. We anticipate that it will take 6-10 weeks from the approval of the Settlement Sum before the claim period commences and Represented Persons can come forward to claim their entitlement. Work required prior to the claim period will include:

    a. executing payment provider arrangements;

    b. any further analysis of Rodger transaction data and establishing quality reporting protocols;

    c. deduplicating developer IDs and identifying multiple account and succession cases;

d. calculating provisional awards;

e. producing the notice population;

f. configuring the claim portal, verification workflow, secure uploads, contact centre, payment interface;

g. completing security and user-acceptance testing;

h. launching general and developer-specific notices.

41. The claim period would be open to class members for four months.

42. Following the close of the claim period, Angeion will progress the claim review process as soon as reasonably practicable. This will include, where required, reviewing submitted claims, identifying and resolving deficient or incomplete submissions, allowing claimants an opportunity to cure deficiencies, undertaking duplicate and fraud checks, completing QA and audit checks, reconciling the valid claimant population, and finalising the calculation file for payments. Subject to claim volumes, deficiency rates, evidential requirements and data quality, Angeion would expect this process to take approximately 30-60 days.

43. Once the valid claimant population has been finalised, and the necessary payment methodology, funding and authority to distribute are in place, Angeion would expect to issue initial payments within a further 4-6 weeks approximately. This period is required to complete final payment file checks, resolve any remaining exceptions, coordinate with the relevant payment provider or banking process, and initiate payments in a controlled manner. Where payments are made by Bacs, the standard Bacs processing cycle is three business days subject to additional banking requirements. Following the initial distribution, a further period of approximately 6-8 weeks may be required to deal with returned payments, failed payments, corrected payment details, reissues, claimant queries and final reconciliation.

K. <u>Expected take-up and measures to maximise participation</u>

44. Angeion expects take-up by value to be high. For administrative planning purposes, Angeion considers that a broad range of approximately **50-80% by value** is reasonable, although take-up by value is necessarily uncertain. That assessment reflects, in particular, the concentration of claim value among a relatively small number of high-value developers and the engagement that Geradin Partners has informed us they have had with developers accounting for the vast majority of the claim value.

45. Geradin Partners has already had direct engagement concerning the proceedings with developers representing approximately 80% of the total claim value. Prior engagement does not establish that those developers will ultimately participate, but materially increases the prospect that they will respond to the formal distribution process.

46. Angeion's experience in *Cameron* also demonstrates that take-up increases by claim value, from 9-28% in the lower tiers to 30-36% for higher tiers.

47. *Cameron* was expressly limited to smaller developers, with eligibility capped at US$1 million of App Store revenues in any year. Its highest payment tiers produced estimated individual recoveries of approximately US$41,000, US$82,000 and US$124,000. The financial incentives for the developers accounting for most of the value in the Rodger proceedings are materially greater. Under Fideres's current modelling, developers ranked 26-50 have an average settlement entitlement of approximately [redacted] those ranked 6-25 approximately [redacted] and the top five approximately [redacted] each. *Cameron's* take-up by value is therefore likely to be a conservative comparator.

48. The lower end of the 50-80% range allows for substantial non-participation even among high-value developers; the upper end reflects a scenario in which the great majority of the already-engaged high-value developers participate, together with strong participation from the remainder of the Class.

49. Separately, for administrative planning purposes, Angeion considers that an 8-15% participation range by number may provide a reasonable planning assumption. Actual participation may differ materially. Any estimate of participation by value necessarily depends on Fideres' modelling of the distribution of claim value across the Class and the assumptions described below. For this purpose, Cameron's 13.21% participation rate provides one reference point for take-up by number, particularly among lower-value developers. It should not, however, be treated as the principal predictor of participation in these proceedings, given the materially higher potential recoveries available to many members of the Rodger Class and the existing engagement described above.

50. Angeion's assessment also assumes that it will have sufficient direct contact information to conduct repeated individual notice. As noted above, Geradin Partners has contact details for, and has already been in contact with the developers with the largest claim values. Fideres has already analysed the Rodger Transaction data and individual developers can be identified from the data disclosed in these proceedings. Google has also confirmed it will provide, where available to Google and where Google is able to share in compliance with its legal / regulatory obligations, developer email addresses. Physical addresses and contact details can also be identified from public sources (e.g. from developer websites, and UK registered office addresses on UK Companies House).

51. The fact that Class Members are businesses rather than consumers, and that the proposed claims process is relatively low-burden, should also assist participation. For developers matched to transactions in the Rodger Transaction Data, the intention is not to require them to reproduce transaction evidence already available in the dataset. They should ordinarily need only to establish identity and authority, confirm their entitlement and provide the information necessary for payment.