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Counsel for Defendants Google LLC et al.

1 Pursuant to this Court’s Order dated July 7, 2021 (MDL ECF No. 52), the parties in
2 the above-captioned MDL action (“the Parties”), by and through their undersigned counsel,
3 submit this Joint Statement.

4 **I. CASE STATUS SUMMARY**

5 **A. Amendments to Epic’s and Developer Plaintiffs’ Complaints**

6 On July 2, 2021, Epic Games, Inc. (“Epic”) and plaintiffs in *In re Google Play*
7 *Developer Antitrust Litigation* (“Developer Plaintiffs”) filed a Notice of Intent to Amend
8 Complaints, indicating their intention to seek approval or consent to amend their respective
9 complaints. MDL ECF 51. On July 7, 2021, the Court issued an order directing Epic and
10 Developer Plaintiffs to file amended complaints by July 21, 2021. MDL ECF 52.

11 As set forth in the Notice to Amend, Plaintiffs in *In re Google Play Consumer*
12 *Antitrust Litigation* (“Consumer Plaintiffs”) were willing to stand on their operative complaint
13 and move forward with a hearing on the motion to dismiss. However, in light of the Court’s
14 order vacating the hearing on the motion to dismiss and directing the Parties to coordinate
15 briefing on motions to dismiss each of plaintiffs’ complaints, Consumer Plaintiffs have decided
16 to align with Epic and Developer Plaintiffs and amend their complaint by July 21, 2021.
17 Consumer Plaintiffs have informed Google of their position.

18 **B. New Related Action Filed on July 7, 2021**

19 On July 7, 2021, *State of Utah et al. v. Google LLC et al.*, No. 3:21-cv-05227-JSC
20 was filed in this District (the “States Action”). The Parties in the MDL action agree that the
21 States Action meets the standard for related cases under Civil L.R. 3-12. We understand the
22 plaintiffs in the States Action are preparing to file an Administrative Motion to Consider
23 Whether Cases Should be Related. The Parties will meet and confer with counsel in the States
24 Action regarding pretrial coordination.

25 **C. Google’s Motion to Dismiss**

26 On November 13, 2020, Google filed a motion to dismiss Epic’s and Developer
27 Plaintiffs’ complaints, and the Court set the motion for hearing on February 18, 2021. Epic Case
28

1 ECF 91, 114; Developer Case ECF 71, 84. To streamline motion proceedings, the Parties
 2 stipulated that the Consumer Plaintiffs shall be deemed to join and be subject to the omnibus
 3 briefing already on file with the Court. MDL ECF 8 at 1-2; MDL ECF 11 at 2-3. The motion to
 4 dismiss was reset for hearing on July 22, 2021. MDL ECF 43. In light of Epic's and Developer
 5 Plaintiffs' request to amend their complaints, the Court vacated the July 22, 2021 hearing date
 6 and directed the parties to brief any motions to dismiss the amended complaints, as well as the
 7 Consumer Plaintiffs' complaint, on a coordinated basis. MDL ECF 52.

8 The Parties in the MDL propose the following schedule for coordinated omnibus
 9 briefing on Google's motion to dismiss all actions in the MDL:

Proposed Motion to Dismiss Schedule	
Event	Date
Amended Complaints	July 21
Motion to Dismiss	August 20
Opposition	September 21
Reply	October 1
Hearing	October 14

D. Joint Statement Regarding Proposed Case Schedule

19 Pursuant to this Court's order dated May 14, 2021 (MDL ECF 39), the Parties in the
 20 MDL submitted a Joint Statement regarding the Parties' proposed case schedule (MDL ECF 46).
 21 Counsel for the Parties in the MDL intend to meet and confer, including with the parties in the
 22 States Action, regarding a proposed case schedule and aim to submit a further Joint Statement on
 23 Scheduling to the Court by July 29, 2021, or as otherwise directed by the Court.

II. STATUS OF DISCOVERY

A. Stipulation and Proposed Order re Expert Discovery.

26 On July 9, 2021, the Parties submitted a proposed order regarding expert discovery
 27 and request that the Court enter it on all dockets. MDL ECF 54.

1 Dated: July 15, 2021

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5 Respectfully submitted,

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