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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION

MDL Case No. [21-md-02981-JD](#)
Member Case No. 20-cv-05761-JD

**ORDER RE DECERTIFICATION OF
CONSUMER CLASS**

In the consumer plaintiffs’ case, *In re Google Play Consumer Antitrust Litigation*, Case No. 20-cv-05761-JD, the Court certified a class under Federal Rule of Civil Procedure 23(b)(3), and denied Google’s motion to exclude Dr. Singer’s testimony under Federal Rule of Evidence 702. Dkt. No. 383. This was because the record at the certification stage supported those decisions. *See id.*

That is no longer the case. Based on new developments in the record, the Court has now excluded Dr. Singer’s pass-through formula and his opinions based on the application of that formula in this litigation. *See* Dkt. No. 588.

The same pass-through formula was an essential element of the consumer plaintiffs’ argument in support of certification. *See* Dkt. No. 383. The order granting certification is consequently vacated, and the consumer class is decertified. *See City of Los Angeles, Harbor Division v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001). The parties’ associated sealing motion, Dkt. No. 324, is terminated as moot.

IT IS SO ORDERED.

Dated: September 13, 2023



JAMES DONATO
United States District Judge