

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

WENDY MARFEO, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

C.A. No. 10-262-WS

**STIPULATION AND ORDER TRANSFERRING CASE TO
NORTHERN DISTRICT OF CALIFORNIA**

Plaintiff Wendy Marfeo and defendant Facebook Inc. (“Facebook”), by and through their respective counsel, stipulate and agree as follows:

WHEREAS, Plaintiff first filed her Class Action Complaint in this Court on June 17, 2010 and filed her First Amended Class Action Complaint in this Court on October 18, 2010;

WHEREAS, Plaintiff alleges that she is a user of the Facebook social networking website;

WHEREAS, Facebook’s Statement of Rights and Responsibilities (“SRR”), applicable to all Facebook users, provides that Facebook users will resolve claims they have with Facebook arising out of or relating to Facebook or the SRR exclusively in a state or federal court located in Santa Clara County, California;

WHEREAS, there are two related class actions already pending in the United States District Court for the Northern District of California, San Jose Division (located in Santa Clara County), titled *Robertson v. Facebook, Inc.*, No. 10-cv-02306-JF, and *Gould v. Facebook, Inc.*,

Case No. 10-cv-02389-JW, which have been consolidated into one action titled *In re: Facebook Privacy Litigation*, Case No. 10-cv-02389-JW;

WHEREAS, in *In re: Facebook Privacy Litigation*, plaintiffs filed a consolidated class action complaint on October 11, 2010, alleging that Facebook shares users' information with third parties without users' knowledge or consent; and

WHEREAS, Local Rule 29 of this Court permits parties to stipulate to extend time for a defendant to respond to a complaint for up to thirty days without a court order;

NOW THEREFORE, the parties hereby stipulate and agree and request the Court to order as follows:

1. Facebook agrees not to contest Plaintiff's service of the First Amended Class Action Complaint and agrees to accept service of the First Amended Class Action Complaint as of October 22, 2010.
2. Facebook shall have an extension of 30 days, until and including December 6, 2010, to answer, move to dismiss, or otherwise respond to the First Amended Class Action Complaint, without prejudice to stipulating to or seeking additional time in the Northern District of California after this matter is transferred.
3. This case shall be transferred from the District of Rhode Island to the Northern District of California pursuant to 28 U.S.C. § 1406.
4. As provided for in the SRR, the laws of the State of California shall govern this case. To the extent the Court determines that there is a choice-of-law question that must be resolved, the choice-of-law rules of the Northern District of California (and not the District of Rhode Island or any other court) shall apply in this case.

IT IS SO STIPULATED.

Dated: October 27, 2010

By: *s/s Mitchell R. Edwards*

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Attorneys for Defendant FACEBOOK, INC.

Dated: October 27, 2010

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 1
~~October~~ _____, 2010

By: WESM
Hon. William E. Smith
JUDGE, UNITED STATES DISTRICT
COURT