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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC.,

Plaintiff,

No. C 14-02323 WHA

v.

MARTIN GRUNIN,

Defendant.

**REQUEST FOR BRIEFING**

Facebook's motion for default judgment against Martin Grunin, noticed for a hearing on January 8, seeks default judgment on claims for breach of contract, fraud, violation of the Computer Fraud and Abuse Act, 18 U.S.C. 1030(a)(2) and (a)(4), and California Penal Code Section 502(c). By **DECEMBER 30 AT NOON**, Facebook shall please submit a brief addressing the following questions:

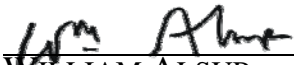
1. Has any federal court found liability under Section 1030(a)(2), Section 1030(a)(4), and/or California Penal Code Section 502(c) based on the actions Mr. Grunin allegedly took as pled in the operative complaint? For example, has any service-user (not an employee or former employee) ever been found liable under these statutes (1) for accessing a website, *i.e.*, a social media website or search engine, after his/her access was revoked, or (2) for impersonating others to obtain access to online services? Please also address all potentially relevant decisions, including *United States v. Nosal*, 676 F.3d 854, 863 (9th Cir. 2012) (*en banc*) and *LVRC Holdings LLC v. Brekka*, 581 F.3d 1127, 1134 (9th Cir. 2009).

2. Section 1030(a)(2) requires, among other items, that defendant "intentionally accesse[d] a computer" and "obtain[ed] information from any protected computer." Where in the complaint did Facebook allege that Mr. Grunin *accessed* and *obtained information* from a

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computer? It appears that Facebook alleged that Mr. Grunin accessed “Facebook’s proprietary computers, computer systems, or computer networks” by obtaining “advertising accounts” and running “deceptive ads” (Compl. ¶¶ 67, 73). Has any federal court ever found liability under Section 1030(a) or California Penal Code Section 502(c) based on a service-user accessing a server to obtain online services or user accounts, after his/her accounts had been revoked or terminated?

Dated: December 19, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE