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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE FACEBOOK BIOMETRIC  
INFORMATION PRIVACY LITIGATION

Case No. [3:15-cv-03747-JD](#)

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**ORDER RE PRE-TRIAL CLASS  
NOTICE**

Re: Dkt. No. 393

United States District Court  
Northern District of California

The revised long-form and short-form class notices that the parties jointly filed, Dkt. Nos. 393-1 and 395-1, are approved subject to these revisions:

For the long-form notice, Page 2 Number 18 should read: “When and where is the trial?” The last sentence of Page 4 Section 7 should refer to page 7, not page 6, and the period after the parenthesis should be deleted. On Page 7, Section 18 should be titled, “When and where is the trial?”

For the short-form notice, on Page 1, the paragraph under “WHO IS IN THE CLASS” should be made identical to Section 10 of the long-form notice (“Am I part of the class?”). Also on Page 1, “WHAT THE CASE IS ABOUT” and the paragraph below should be deleted entirely. On Page 2, the paragraph titled “HOW AND WHEN THE COURT WILL DECIDE WHO IS RIGHT” should instead be titled “WHEN AND WHERE IS THE TRIAL”.

For both the long and short-form notices, the opt-out date should be **July 8, 2018**.

For the parties’ convenience, drafts showing the Court’s changes are attached to this order. These revisions resolve the content of the pre-trial notice forms, and no objections are pending.

With respect to the timeline for publication, the Court continues to have concerns about the accuracy of the representations made by Facebook’s attorney on the extended time needed for

1 jewel notifications and newsfeed posts. The party declaration requested by the Court, Dkt. No.  
2 401, states that Facebook can provide jewel notifications within five calendar days of putting the  
3 notice into final form, and within three calendar days for the newsfeed channel. Facebook is  
4 ordered to adhere to those timeframes. The parties have not raised any issues about the content of  
5 the notifications and newsfeed notices, and so the Court assumes they are ready to go or will be  
6 very shortly.

7 The combination of direct email notices to Facebook users, jewel notifications, newsfeed  
8 posts, and the activation of the web page dedicated to the lawsuit and offering electronic opt-out  
9 for class members constitutes best practicable notice to individual class members under the  
10 circumstances of this case. The parties are free to provide any additional notice they wish, for  
11 example, notices in media publications and other forms of outreach.

12 **The email, jewel notifications, and newsfeed notices must be published no later than**  
13 **May 31, 2018, and before then to the fullest extent possible.**

14 **IT IS SO ORDERED.**

15 Dated: May 24, 2018

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20 JAMES DONATO  
21 United States District Judge  
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