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

COLIN R. BRICKMAN,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. [16-cv-00751-MMC](#)

**ORDER SETTING DEADLINE FOR
DEFENDANT TO FILE CERTIFICATE
OF SERVICE; REVISING BRIEFING
SCHEDULE ON DEFENDANT'S
MOTION TO DISMISS**

Re: Dkt. Nos. 29, 30

On February 12, 2016, plaintiff Colin R. Brickman filed his Complaint in the above-titled action, in which he alleges, on behalf of himself and all others similarly situated, a claim under 47 U.S.C. § 227(b)(1)(A)(iii). In response thereto, defendant Facebook, Inc., filed, on April 25, 2016, a Motion to Dismiss, in which defendant argues, *inter alia*, said statutory provision is unconstitutional both on its face and as applied to the conduct on which plaintiff's claim is based. On April 25, 2016, defendant filed a notice of its constitutional challenge and states therein its intention to serve the notice on the United States Attorney. Defendant has not complied, however, with the Local Rules of this District, as defendant did not file a certificate of such service concurrently with the notice, see Civil L.R. 3-8(a), and, to date, no such certificate has been filed.

Accordingly, defendant is hereby DIRECTED to file, no later than May 6, 2016, the requisite certificate of service.

In light of the above, the Court sets the following schedule:

1. If the United States wishes to intervene for the purpose of opposing defendant's motion, it shall do so and file its opposition no later than July 8, 2016. See Fed. R. Civ. P. 5.1(c) (providing "attorney general may intervene within 60 days after the

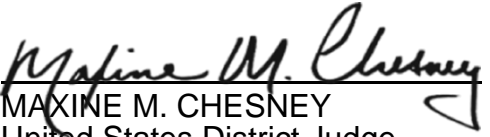
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notice [of constitutional challenge] is filed”).

2. Plaintiff shall file his opposition no later than July 8, 2016.
3. Defendant shall file any reply no later than July 15, 2016.
4. The hearing on the motion is continued to July 29, 2016.

IT IS SO ORDERED.

Dated: April 29, 2016


MAXINE M. CHESNEY
United States District Judge