JS 44 CAND (Rev. 12/11)

#### CIVIL COVER SHEET



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFF	S
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GLYNNIS BOHANNON, Individually and on Behalf of Her Minor Child I.B. and on Behälf of All Others Similarly Situated

(b) County of Residence of First Listed Plaintiff Maricopa County, AZ (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

(see attachment)

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FACEBOOK, INC.

County of Residence of First Listed Defendant Santa Clara County, CA (IN U.S. PLAINTIFF CASES ONLY)

NOTE:

and condemnation cases, use the location of tract of land involved. 01894

Attorneys (If Known)

(see attachment)

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II. BASIS OF JURISDI	ICTION (Place an "X"	in One Box Only)	III. CITIZENSHIP OF P	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff) and One Box for Defendant)
☐ 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government)	lot a Party)	P	PTF DEF  1 □ I Incorporated or Pr  of Business In This	PTF DEF
2 U.S. Government Defendant	4 Diversity (Indicate Citizenshi	p of Parties in Item III)	Citizen of Another State	2	•
		-	Citizen or Subject of a  Foreign Country	3 🗖 3 Foreign Nation	<b>0</b> 6 <b>0</b> 6
IV. NATURE OF SUIT	(Place an "X" in One Box O	nly)	Totalgii County		· <del>/ · · k</del> ···
CONTRACT	ŤO	RTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
□ 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	_	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine ☐ 130 Miller Act	310 Airplane 315 Airplane Product	<ul> <li>365 Personal Injury -</li> <li>Product Liability</li> </ul>	of Property 21 USC 881	28 USC 157	☐ 400 State Reapportionment ☐ 410 Antitrust
140 Negotiable Instrument	Liability	367 Health Care/	B 000 Omer	20 050 157	430 Banks and Banking
☐ 150 Recovery of Overpayment	□ 320 Assault, Libel &	Pharmaceutical		PROPERTY RIGHTS	<b>7</b>
& Enforcement of Judgment	i .	Personal Injury		□ 820 Copyrights □ 830 Patent	☐ 460 Deportation ☐ 470 Racketeer Influenced and
☐ 151 Medicare Act ☐ 152 Recovery of Defaulted	☐ 330 Federal Employers' Liability	Product Liability  368 Asbestos Personal		□ 840 Trademark	Corrupt Organizations
Student Loans	☐ 340 Marine	Injury Product			☐ 480 Consumer Credit
(Excl. Veterans)	☐ 345 Marine Product	Liability	LABOR	SOCIAL SECURITY	-11
153 Recovery of Overpayment of Veteran's Benefits	Lisbility  350 Motor Vehicle	PERSONAL PROPERT  370 Other Fraud	ΓΥ □ 710 Fair Labor Standards Act	☐ 861 HIA (1395ff) ☐ 862 Black Lung (923)	850 Securities/Commodities/ Exchange
☐ 160 Stockholders' Suits	355 Motor Vehicle	371 Truth in Lending	☐ 720 Labor/Mgmt. Relations	☐ 863 DIWC/DIWW (405(g))	890 Other Statutory Actions
M 190 Other Contract	Product Liability	☐ 380 Other Personal	🗇 740 Railway Labor Act	864 SSID Title XVI	☐ 891 Agricultural Acts
195 Contract Product Liability	□ 360 Other Personal	Property Damage	751 Family and Medical	□ 865 RSI (405(g))	893 Environmental Matters     895 Freedom of Information
196 Franchise	Injury  362 Personal Injury -	385 Property Damage Product Liability	Leave Act  790 Other Labor Litigation	i e	Act
	Med. Malpractice		791 Empl. Ret. Inc.		☐ 896 Arbitration
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION		FEDERAL TAX SUITS	☐ 899 Administrative Procedure
☐ 210 Land Condemnation	440 Other Civil Rights	□ 510 Motions to Vacate		□ 870 Taxes (U.S. Plaintiff	Act/Review or Appeal of
<ul> <li>220 Foreclosure</li> <li>230 Rent Lease &amp; Ejectment</li> </ul>	☐ 441 Voting ☐ 442 Employment	Sentence Habeas Corpus:		or Defendant)  871 IRS—Third Party	Agency Decision  950 Constitutionality of
240 Torts to Land	☐ 443 Housing/	□ 530 General		26 USC 7609	State Statutes
3 245 Tort Product Liability	Accommodations	☐ 535 Death Penalty	IMMIGRATION	<del>~</del>	
290 All Other Real Property	☐ 445 Amer. w/Disabilities - Employment	<ul> <li>540 Mandamus &amp; Other</li> <li>550 Civil Rights</li> </ul>	or 462 Naturalization Application  463 Habeas Corpus -		
	☐ 446 Amer, w/Disabilities -	O 555 Prison Condition	Alien Detainee	·	
	Other	560 Civil Detainee -	(Prisoner Petition)		
	☐ 448 Education	Conditions of Confinement	<ul> <li>465 Other Immigration</li> <li>Actions</li> </ul>		· ·
		Contrient	Actions		L
V. ORIGIN  (Place an "X" in One Box Only)  1 Original 2 Removed from 3 Remanded from Proceeding State Court Appellate Court Reopened (Recognited State Court)  1 A Reinstated or 5 Appellate Court Reopened (Recognited State Court)  1 A Reinstated or 5 Appellate Court Reopened (Recognited State Court)  2 Remanded from Appellate Court Reopened (Recognited State Court)					
	Cite the U.S. Civil S 28 U.S.C. §§ 133		re filing (Do not cite Jurisdictional 53(b)	<i>y)</i>	
VI. CAUSE OF ACTIO	i Brief describition of o	cause: saffirm online purch	ases		
VII. REQUESTED IN COMPLAINT:	X CHECK IF THIS UNDER F.R.C.P.	IS A CLASS ACTION 23	DEMAND \$	CHECK YES only JURY DEMAND	if demanded in complaint:
VIII. RELATED CASE IF ANY	E(S) (See instructions):	JUDGE	4	DOCKET NUMBER	
IX. DIVISIONAL ASS	IGNMENT (Civil L.	R. 3-2)	1	\	
(Place an "X" in One Box O	- ·	SAN FRANCISCO	O/OAKLAND 🛮 SA	NJOSE   EURE	KA
DATE 04/17/2012		SIGNATURE OF	ATTORNEY OF RECORD	Whitty Somvichian	

#### INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

#### **Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box,

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity.

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

IX. Divisional Assignment. In accordance with Civil L.R. 3-2(c) - (f), select the appropriate venue based upon the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.

Date and Attorney Signature. Date and sign the civil cover sheet.

### ATTACHMENT TO CIVIL COVER SHEET

GLYNNIS BOHANNON, Individually and on Behalf of Her Minor Child I.B. and on Behalf of All Others Similarly Situated v. FACEBOOK, INC.

United States District Court, Northern District of California, Case No. : Removed from California Superior Court, County of Santa Clara, Case No. 112CV219256

### I. (c) Attorneys (Firm Name, Address, and Telephone Number)

## KERSHAW, CUTTER, & RATINOFF, LLP

C. Brooks Cutter John R. Parker 401 Watt Avenue Sacramento, CA 95864 Phone: (916) 448-9800

Fax: (916) 669-4499

**ATTORNEYS FOR PLAINTIFF** 

#### **COOLEY LLP**

Whitty Somvichian (CSB# 194463) Kristine Van Hamersveld (CSB# 278745) 101 California Street, 5th Floor San Francisco, CA 94111-5800 Phone: (415) 693-2000

Fax: (415) 693-2222

ATTORNEYS FOR DEFENDANT FACEBOOK, INC.

1265202 v1/SF

# PROOF OF SERVICE (FRCP 5)

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I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 101 California Street, 5th Floor, San Francisco, California 94111-5800. On the date set forth below I served the documents described below in the manner described below:

## FACEBOOK, INC.'S CIVIL COVER SHEET

×	(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon
	fully prepaid to be placed in the United States Postal Service at San Francisco, California.

$\neg$	(BY MESSENGER SERVICE) by consigning the document(s) to an	authorized
	courier and/or process server for hand delivery on this date.	

П	(BY FACSIMILE) I am personally and readily familiar with the business practice
	of Cooley LLP for collection and processing of document(s) to be transmitted by
	facsimile and I caused such document(s) on this date to be transmitted by
	facsimile to the offices of addressee(s) at the numbers listed below.

	·
_	(BY OVERNIGHT MAIL) I am personally and readily familiar with the business
	practice of Cooley LLP for collection and processing of correspondence for
	overnight delivery, and I caused such document(s) described herein to be
	deposited for delivery to a facility regularly maintained by for
	overnight delivery.

 (BY ELECTRONIC MAIL) I am personally and readily familiar with the business
 practice of Cooley LLP for the preparation and processing of documents in
portable document format (PDF) for e-mailing, and I caused said documents to be
prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

KERSHAW, CUTTER, & RATINOFF, LLP C. BROOKS CUTTER (121407) JOHN R. PARKER(257761) 401 Watt Avenue Sacramento, CA 95864 Telephone: (916) 448-9800 Facsimile: (916) 669-4499 Executed on April 17, 2012, at San Francisco, California.

Sandra Warren

1265121 v1/SF

COOLEY LLP ATTORNEYS AT LAW SAN FRANCISCO

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