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E-Filed 10/30/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SEAN LANE, et al.,

No. C 08-3845 RS

Plaintiffs,

ORDER

v.

FACEBOOK, INC., et al,

Defendants.

_____ /

The Court has received the parties' stipulation seeking to amend the terms of the order granting preliminary approval of the settlement with respect to how notice will be given to class members. The potential advantage to using email addresses of record over internal Facebook messages is intuitive, insofar as it is more likely to reach Class members who do not access Facebook regularly at this time. It seems possible, however, that there may also be some number of class members who continue to access Facebook regularly, but who may not regularly review email they receive at the particular email address they provided to Facebook when they joined. Accordingly, it is not immediately apparent why

United States District Court
For the Northern District of California

1 providing notice by email “in lieu of” notice through an internal Facebook message is
2 preferable to providing email notice *in addition to* an internal Facebook message.

3 If the parties are in agreement that both forms of notice should be given, they may
4 submit a revised stipulation and the Court will so order. If there is reason that notice only by
5 email is likely to be more effective, or that providing both forms of notice would be too
6 burdensome, the parties may submit a joint brief explaining their positions at their earliest
7 convenience.

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IT IS SO ORDERED.

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Dated: October 30, 2009

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RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE

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