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Proposed Interim Co-Lead Class Counsel

Proposed Interim Liaison Class Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**IN RE FACEBOOK PPC ADVERTISING
 LITIGATION**

Master File No. C 09-03043 JF

**{PROPOSED} ORDER APPOINTING
 INTERIM CO-LEAD, LIAISON AND
 CLASS COUNSEL PURSUANT TO
 FED.R.CIV.P. 23(g)**

This Document Relates To:
All Actions.

WHEREAS, the consolidated actions (“Actions”) all assert claims against defendant FACEBOOK, Inc. (“Defendant” or “FACEBOOK”) related to, *inter alia*, the alleged impropriety of FACEBOOK’s Pay-Per-Click Advertising Program (“PPC Program”), on behalf of themselves and proposed classes;

1 WHEREAS, Seeger Weiss LLP and Finkelstein Thompson LLP have moved pursuant to Fed.
2 R.Civ.P. 23(g) to be appointed Interim Co-Lead Class Counsel;

3 WHEREAS, Arias Ozzello & Gignac LLP has moved pursuant to Fed.R.Civ.P. 23(g) to be
4 appointed Interim Liaison Class Counsel;

5
6 WHEREAS, Kabatek Brown Kellner, LLP, Freed & Weiss LLC, Berk Law PLLC, Litigation
7 Law Group, and Wasserman, Comden & Casselman, LLP have moved pursuant to Fed.R.Civ.P. 23(g) to
8 be appointed Interim Class Counsel; and

9 WHEREAS, in an effort to effectively manage this litigation and move it forward in an efficient
10 manner,

11
12 IT IS HEREBY ORDERED THAT:

13 1. The Court finds that Seeger Weiss LLP and Finkelstein Thompson LLP meet the
14 standards set forth in Rule 23(g)(1) and (4) to serve as Interim Co-Lead Class Counsel. Pursuant to
15 Fed.R.Civ.P. 23(g), the Court appoints Jonathan Shub of Seeger Weiss LLP and Rosemary M. Rivas of
16 Finkelstein Thompson LLP as Interim Co-Lead Class Counsel and as members of the Plaintiffs'
17 Executive Committee.

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19 2. The Court further appoints J. Paul Gignac of Arias Ozzello & Gignac LLP as Interim
20 Liaison Class Counsel and as a member of the Plaintiffs' Executive Committee.

21
22 3. The Court further appoints Kabatek Brown Kellner, LLP, Freed & Weiss LLC, Berk
23 Law PLLC, Litigation Law Group, and Wasserman, Comden & Casselman, LLP as Interim Class
24 Counsel and designates those firms to serve as members of the Plaintiffs' Executive Committee.

25 4. Interim Co-Lead Class Counsel, in consultation with Interim Liaison Class Counsel and
26 the Plaintiffs' Executive Committee, shall have the following responsibilities on behalf of all Plaintiffs
27 in all Actions (and any additional related actions that are consolidated with the Actions):
28

1 a. To determine and to present in motions, briefs, oral argument (subject to
2 permission of the Court) or such other fashion as may be appropriate, either personally or by designee,
3 to the Court and opposing parties, the position of all of the Plaintiffs as to all matters arising during all
4 pretrial and trial proceedings;

5
6 b. To designate attorneys to appear and present oral argument at pretrial
7 conferences, subject to permission of the Court;

8 c. To conduct or coordinate discovery on behalf of the Plaintiffs consistent with the
9 Federal Rules of Civil Procedure, including the preparation of interrogatories, requests for production of
10 documents, requests for admissions and the examination of witnesses in depositions;

11
12 d. To designate an attorney to enter into stipulations with Defendant's counsel
13 necessary to conduct the litigation;

14 e. To direct, supervise and monitor the activities of Plaintiffs' counsel and to
15 implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds
16 by counsel are avoided;

17
18 f. To sign any consolidated complaints, motions, briefs, discovery requests or
19 objections, subpoenas or notices on behalf of all Plaintiffs or those plaintiffs filing the particular papers;

20 g. To conduct all pre-trial, trial and post-trial proceedings on behalf of all Plaintiffs;

21 h. To employ and consult with experts;

22 i. To call meetings of all Plaintiffs' counsel when appropriate;

23 j. To conduct settlement discussions with Defendant's counsel on behalf of the
24 Plaintiffs and the proposed Class(es);

25
26 k. To ensure that all Plaintiffs and Plaintiffs' counsel are kept informed of the
27 progress of this litigation as necessary;
28

1 l. To be responsible for serving all Plaintiffs' counsel involved in the Actions with
2 all orders, discovery, filings, and other documents served on Interim Co-Lead Class Counsel;

3 m. To make all work assignments to Plaintiffs' counsel in such a manner as to
4 promote the orderly and efficient prosecution of this litigation and to avoid unnecessary duplication and
5 unproductive efforts for all parties;

6 n. To ensure that work assignments to all Plaintiffs' counsel are made in the best
7 interests of the Plaintiffs and the proposed Class(es) and are made on the basis of the qualifications and
8 expertise of the persons assigned particular tasks or responsibilities, counsel's knowledge of the law,
9 facts and issues, efficiency and cost-effectiveness;

10 o. To assess Plaintiffs' counsel common litigation costs and to collect all
11 assessments on a regular basis;

12 p. To collect time, lodestar and expense reports from each Plaintiffs' counsel,
13 including paralegals and any other staff members whose time is expected to be included in any fee
14 petition;

15 q. To coordinate and communicate with Defendant's counsel;

16 r. To coordinate and communicate with Plaintiffs' counsel in any other actions
17 involving PPC Program allegations against FACEBOOK that are not formally related to these Actions,
18 including those that remain in state courts, if any, as to discovery and other related issues;

19 s. To otherwise coordinate the work of all Plaintiffs' counsel and perform such other
20 duties as necessary or as authorized by further order of the Court; and

21 t. To make a good faith recommendation to the Court on the allocation of any
22 attorneys' fees awarded by the Court.

1 5. Interim Liaison Class Counsel shall serve as the principal point of contact for the Court
2 with Plaintiffs' counsel and, in that role, shall have the following responsibilities:

3 a. Receive orders, notices and telephone calls from the Court on behalf of all
4 Plaintiffs' counsel and transmit copies of such orders and notices to all Plaintiffs' counsel;

5 b. Attend all in person and telephonic hearings and conferences before the Court;

6 c. Coordinate the filing and service of all pleadings and other documents that are
7 filed by Plaintiffs' counsel with the Court; and
8

9 d. Ensure that all actions by Plaintiffs' counsel are in conformance with the
10 applicable Local Rules of the Court.
11

12 6. Defendant's counsel may rely upon all agreements made with and representations made
13 by Interim Co-Lead Class Counsel in connection with the prosecution of the Actions.

14 **IT IS SO ORDERED.**

15
16
17 Dated: 2/3/10 nunc pro tunc to
18 12/15/09

By:


HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 26, 2009.

Dated: October 26, 2009

Respectfully Submitted,

Elizabeth Graham

/s/ Elizabeth Graham

Type or Print Name

Signature