

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

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

David Gould, et al.,

NO. C 10-02389 JW
NO. C 10-02408 JW

_____ /

**ORDER ADOPTING STIPULATION TO
CONSOLIDATE CASES AS MODIFIED**

Mike Robertson, et al.,

Plaintiffs,

v.

Facebook, Inc.,

Defendant.

_____ /

Presently before the Court is a Stipulation by all parties for a Motion to Consider Whether Cases Should be Consolidated.¹ The parties seek the Court’s determination as to whether Robertson, et al. v. Facebook, Inc., Case No. C 10-02408-JW, should be consolidated with Gould, et al. v. Facebook, Inc., Case No. C 10-02389-JW. Plaintiffs contend that the cases should be consolidated in the interests of judicial and party economy, because both cases involve similar complaints and common questions of law and fact. (Stipulation at 1.) Upon review, the Court finds good cause to adopt the parties’ Stipulation, as modified:

- (1) The Court finds good cause to consolidate the cases in the interests of efficiency, in light of the fact that they share substantial common issues of fact and legal theories.

¹ (See Stipulation and [Proposed] Order Consolidating Cases For All Purposes, Allowing for the Filing of a Consolidated Complaint, Setting a Case Management Conference for October 25, 2010, and Appointing Lead Counsel, hereafter, “Stipulation,” C 10-02389-JW, Docket Item No. 22.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

As it was first filed, Case No. C 10-02389-JW will be the lead case for consolidation. All future filings shall bear the caption: "In Re: Facebook Privacy Litigation." In light of this Order, the Clerk of Court shall immediately close Case No. C 10-02408-JW.

- (2) The Court sets **September 27, 2010 at 10 a.m.** for a Case Management Conference for the consolidated action. On or before **September 17, 2010**, the parties shall file a Joint Case Management Statement pursuant to Fed. R. Civ. P. 26 and Civ. L.R. 16-19. The Statement shall include, among other things, a good faith discovery plan with a proposed date for close of all discovery. The parties shall also address whether discovery should be bifurcated between class and merits.
- (3) At this time, the Court finds the parties' Stipulation with respect to the appointment of co-lead counsel sufficient. However, the Court reserves the right to modify appointment of counsel in the event that the nature of the case necessitates alteration of appointment.

Dated: August 20, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Charles Hyunchul Jung cjung@nassiri-jung.com
3 Kassra Powell Nassiri knassiri@nassiri-jung.com
4 Matthew Dean Brown mbrown@cooley.com
5 Benjamin Harris Richman brichman@edelson.com
6 Jay Edelson jedelson@edelson.com
7 Michael James Aschenbrener maschenbrener@edelson.com
8 Sean Patrick Reis sreis@edelson.com

9
10 **Dated: August 20, 2010**

Richard W. Wieking, Clerk

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy