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14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 In Re: Facebook Privacy Litigation

Case No. C 10-02389-JW

17 **ADMINISTRATIVE MOTION TO**  
 18 **CONSIDER WHETHER CASES**  
 19 **SHOULD BE RELATED**

20 THIS DOCUMENT ALSO RELATES TO:

21 Karen Bryant and Christopher Brock, on behalf  
 22 of themselves and all others similarly situated,  
 23

Case No. 10-CV-05192-PVT

24 Plaintiffs,

25 v.

26 Facebook, Inc., and Zynga Game Network, Inc.,  
 27

28 Defendants.

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 3-12, Plaintiffs submit this  
3 administrative motion for the Court to consider whether *Bryant, et al. v. Facebook, Inc., et al.*, No. 10-  
4 CV-5192-PVT, filed in this district on November 16, 2010, should be related to *In Re: Facebook*  
5 *Privacy Litigation*, No. C 10-02389-JW, the lower-numbered action also pending in this District. The  
6 *Bryant* action has been assigned to Judge Patricia V. Trumbull.

7 Under the Local Rules, actions are related when: “[t]he actions concern substantially the same  
8 parties, property, transaction or event; and [i]t appears likely that there will be an unduly burdensome  
9 duplication of labor and expense or conflicting results if the cases are conducted before different  
10 Judges.” Here, both criteria are met.

11 The *Bryant* and *In Re: Facebook Privacy Litigation* actions concern substantially the same  
12 parties, property, transaction or event. Both are proposed class actions brought on behalf of Facebook  
13 users who have clicked on third party advertisements displayed on Facebook’s website. In both  
14 actions, plaintiffs allege Facebook transmitted users’ unique Facebook identification numbers to third  
15 parties advertising companies in breach of Facebook’s contract with its users and in violation of the  
16 Stored Communications Act, 18 U.S.C. §§ 2710, *et seq.*; California’s Unfair Competition Law, Cal.  
17 Bus. & Prof. Code §§ 17200, *et seq.*, and California’s Computer Crime Law, Cal. Penal Code § 502.  
18 In addition, the *Bryant* action alleges very similar claims against Zynga; the claims are akin to those  
19 evaluated by the Court in its Order Granting Motion To Relate Cases, (Doc. #47), in which the Court  
20 held the claims against Facebook and Zynga pose overlapping factual inquiries.

21 Given the common defendants, and like allegations, adjudication of these actions separately  
22 would create an unduly burdensome duplication of labor and expenses. Assignment of these cases to  
23 a single United States District Court Judge will conserve judicial resources and eliminate the potential  
24 for conflicting results. The actions are at a preliminary stage and, thus, assignment to a single judge  
25 would not prejudice any of the parties.

26 Plaintiffs therefore respectfully request that this case, *In Re: Facebook Privacy Litigation*, No. C  
27 10-02389-JW, and *Bryant, et al. v. Facebook, Inc., et al.*, No. 10-CV-5192-PVT, be deemed related  
28 under Civil Local Rule 3-12(a).

1 DATED: November 17, 2010

Respectfully submitted,

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3 By: \_\_\_\_\_ /s/ Eric H. Gibbs

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