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

In Re: Facebook Privacy Litigation  
\_\_\_\_\_  
Karen Bryant, et al.,  
Plaintiffs,  
v.  
Facebook, Inc., et al.,  
Defendants.  
\_\_\_\_\_

NO. C 10-02389-JW  
NO. C 10-05192-PVT

**ORDER GRANTING MOTION TO  
RELATE CASES**

Presently before the Court is Plaintiff Karen Bryant’s (“Bryant”) Motion to Consider Whether Cases Should be Related.<sup>1</sup> Bryant seeks the Court’s determination as to whether Bryant v. Facebook, Inc., Case No. CV 10-05192-PVT should be related to In Re: Facebook Privacy Litigation, Case No. CV 10-02389-JW. Bryant contends that these cases arise from substantially similar factual allegations that Facebook’s “referrer headers” caused user information to be leaked to third parties, involve overlapping legal claims and involve overlapping parties on both sides of the litigation. (Motion at 1.)

Civil Local Rule 3-12(a) provides:

An action is related to another action when:

- (1) The action concerns substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Here, the Court finds that these cases involve substantially the same parties: Defendants Zynga and Facebook, and overlapping classes. The Court also finds that these cases involve


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<sup>1</sup> (See Administrative Motion to Consider Whether Cases Should be Related, hereafter, “Motion,” CV 10-02389-JW, Docket Item No. 48.)

1 substantially the same transactions and events.<sup>2</sup> Plaintiffs in all cases allege that, via “referrer  
2 headers,” Zynga and Facebook disclosed unique Facebook user identification numbers (“UID”),  
3 allowing third parties to obtain private information about users and their activities online. All cases  
4 involve overlapping causes of action and factual inquiries. The Court also finds that the two actions  
5 pose a substantial risk of inconsistent judgments. In light of the substantial similarity of parties,  
6 events and causes of action, the Court finds that there is a risk of “an unduly burdensome duplication  
7 of labor and expense or conflicting results if the cases are conducted before different judges.” Thus,  
8 the Court finds that the cases are related within the meaning of Rule 3-12(a).

9 Accordingly, the Clerk of Court shall immediately relate Bryant v. Facebook, Inc., Case No.  
10 CV 10-05192-PVT to In Re: Facebook Privacy Litigation, Case No. CV 10-02389-JW.

11 On November 5, 2010, Defendant Zynga, in its Motion to Relate,<sup>3</sup> raised the issue of whether  
12 these related actions should be consolidated into a single action. The Court invites the parties to  
13 fully brief the issue. On or before **November 22, 2010**, the parties shall file briefs as to whether this  
14 related action should be consolidated into the current action, In Re: Facebook Privacy Litigation, or  
15 consolidated as a separate action, In Re: Zynga Litigation. In their briefs, the parties shall nominate  
16 Lead Plaintiffs as well as Lead Counsel. The Court will take the parties’ briefs under submission  
17 without oral argument. See Civ. L.R. 7-1(b).

18  
19 Dated: November 19, 2010

  
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JAMES WARE  
United States District Judge

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26 <sup>2</sup> (Compare Class Action Complaint, CV 10-05192-PVT, Docket Item No. 1 with  
Consolidated Class Action Complaint, CV 10-02389-JW, Docket Item No. 36.)

27 <sup>3</sup> (See CV 10-02389, Docket Item No. 41.)

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

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9  
10 **Dated: November 19, 2010**

**Richard W. Wieking, Clerk**

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**By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**