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Attorneys for Defendant FACEBOOK, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

IN RE: FACEBOOK PRIVACY
 LITIGATION

Case No. 10-CV-02389-JW

CLASS ACTION

**[PROPOSED] ORDER GRANTING
 FACEBOOK, INC.'S MOTION TO DISMISS
 FIRST AMENDED CONSOLIDATED CLASS
 ACTION COMPLAINT**

Date: October 17, 2011
 Time: 9:00 a.m.
 Courtroom: 15 (18th Floor)
 Judge: Hon. James Ware
 Trial Date: Not Yet Set

Defendant Facebook, Inc.'s Motion to Dismiss Plaintiffs' First Amended Consolidated Class Action Complaint was heard on October 17, 2011 at 9:00 a.m. in this Court. Counsel for Facebook and counsel for Plaintiffs were in attendance and presented oral arguments. Having considered the parties' papers filed in support of and in opposition to the motion, oral argument, and all other materials properly considered by the Court, and good cause having been shown, the Court issues the following findings and orders:

1 **IT IS HEREBY ORDERED THAT** Facebook's Request for Judicial Notice in support of its
2 Motion to Dismiss is **GRANTED**.

3 The Court further finds as follows:

4 With respect to Count I, for violation of the Wiretap Act, 18 U.S.C. § 2510 *et seq.*,
5 Plaintiffs fail to state a claim upon which relief can be granted.

6 With respect to Count II, for violation of the Stored Communications Act, 18 U.S.C.
7 § 2701 *et seq.*, Plaintiffs fail to state a claim upon which relief can be granted.

8 With respect to Count IV, for violation of California Penal Code § 502(c)(8), Plaintiffs
9 fail to state a claim upon which relief can be granted.

10 With respect to Count VI, for breach of contract, Plaintiffs fail to state a claim upon which
11 relief can be granted.

12 With respect to Count VII, for violation of California Civil Code §§ 1572 and 1573,
13 Plaintiffs fail to state a claim upon which relief can be granted.

14 Accordingly, **IT IS HEREBY ORDERED THAT:**

15 Facebook's Motion to Dismiss Plaintiffs' First Amended Consolidated Class Action
16 Complaint is **GRANTED**; and

17 Plaintiffs' First Amended Consolidated Class Action Complaint and all claims for relief
18 alleged therein are hereby **DISMISSED WITH PREJUDICE**.

19 **IT IS SO ORDERED.**

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22 DATED: _____

23 THE HONORABLE JAMES WARE
24 UNITED STATES DISTRICT JUDGE

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