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 10 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 RYAN UNG, CHI CHENG, and ALICE ROSEN,
 on Behalf of Themselves and All Others Similarly
 13 Situated,

14 Plaintiffs,

15 v.

16 FACEBOOK, INC.,

17 Defendants

Case No. CV-11-02829-JSW

**PLAINTIFFS' MOTION TO
 DESIGNATE INTERIM CLASS
 COUNSEL**

FED R. CIV. P. 23(g)(3)

Date: February 3, 2012
 Time: 9:00 a.m.
 Judge: Jeffrey S. White
 Courtroom 11

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PLAINTIFFS’ MOTION TO DESIGNATE INTERIM CLASS COUNSEL
TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on Feb. 3, 2012 at 9:00 a.m. or as soon thereafter as counsel may be heard by the above-captioned Court, located at 450 Golden Gate Avenue, 19th Floor, San Francisco, CA 94102, in the courtroom of Judge Jeffrey S. White, Plaintiffs Ryan Ung, Chi Cheng, and Alice Ryan will and hereby do move the Court for an order designating Milberg LLP (“Milberg”) and Reese Richman LLP (“Reese Richman”) as interim class counsel pursuant to Fed. R. Civ. P. 23(g)(3).

This motion is based on the accompanying Memorandum of Law and Declaration of Jeff S. Westerman, the pleadings and papers on file herein, and upon such matters as may be presented to the Court at the time of the hearing.

STATEMENT OF RELIEF SOUGHT

Plaintiffs Ryan Ung, Chi Cheng and Alice Rosen seek an order pursuant to Federal Rule of Civil Procedure 23(g)(3) designating Milberg LLP and Reese Richman LLP as interim class counsel.

STATEMENT OF ISSUE TO BE DECIDED

Do Milberg LLP and Reese Richman LLP meet the Federal Rule of Civil Procedure 23(g)(3) requirements for designation as interim class counsel?

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiffs commenced this class action on behalf of Internet users against Facebook, Inc.
4 in the Superior Court of California, County of Santa Clara on May 9, 2011. Defendant removed
5 the action to the Northern District of California on June 9, 2011. Dkts. # 1 and 4. The case was
6 reassigned to the Hon. Jeremy Fogel on June 21, 2011 (Dkt. # 25) and reassigned to this Court
7 on September 27, 2011. Dkt. # 25. The Complaint alleges privacy violations related to
8 Facebook’s use of the Facebook “Like” button and Facebook Connect to track Internet users as
9 they browse the Internet and collect and store their sensitive, private, and personally identifiable
10 information. Plaintiffs assert two claims against Facebook -- a claim for violation of the right to
11 privacy in the California Constitution and a claim for unjust enrichment.

12 Defendant moved to dismiss the Complaint on July 20, 2011 (Dkt. # 10), and the motion
13 has been fully briefed. Dkts. # 16 and 31. Defendant noticed the motion for Dec. 2, 2011 (Dkt.
14 # 33) and the Court has scheduled an initial case management conference for Dec. 16, 2011.
15 Dkt. # 30.

16 As detailed herein, Milberg and Reese Richman should be designated interim lead
17 counsel for the following reasons:

18 (i) Milberg and Reese Richman extensively researched this action and consulted with
19 industry experts before filing Plaintiffs’ complaint, and have continued their development of the
20 case in consultation with industry experts and in-house professionals.

21 (ii) Milberg has a decades-long history of successfully prosecuting consumer class
22 actions and Milberg and Reese Richman have extensive experience in the niche areas of
23 consumer and Internet litigation.

24 (iv) Milberg and Reese Richman have substantial experience with privacy-related
25 consumer litigations such as this one.

26 (v) Milberg and Reese Richman have California offices and the firms have the
27 resources and staying power required to obtain the best results for the class.

28 (vi) Milberg and Reese Richman otherwise meet the criteria for Rule 23(g).

1 As Interim Class Counsel, Milberg and Reese Richman would foster the efficient and
2 orderly handling of the litigation and secure the best possible representation for the proposed
3 class. Accordingly, Milberg and Reese Richman should be appointed interim class counsel.

4 ARGUMENT

5 **II. MILBERG AND REESE RICHMAN SHOULD BE DESIGNATED AS** 6 **INTERIM CLASS COUNSEL**

7 **A. Legal Standards for Designation Under Rule 23(g)**

8 Under Federal Rule of Civil Procedure 23(g)(3), a “court may designate interim counsel
9 to act on behalf of the putative class before determining whether to certify the action as a class
10 action.” Although the rule states the court “may” designate an interim counsel, courts that have
11 construed Rule 23(g)(3) have relied on the Advisory Committee Notes (hereafter, “Notes”)
12 accompanying the rule to hold that interim counsel should be designated when necessary to
13 protect the interests of the putative class. *See, e.g., Parkinson v. Hyundai Motor Am.*, No. 06-
14 345, 2006 U.S. Dist. LEXIS 59055, at *5 (C.D. Cal. Aug. 7, 2006). Further, the Notes
15 contemplate that “[t]ime may be needed to explore designation of counsel under Rule 23(g)” and
16 recognize “that in many cases the need to progress toward the certification determination may
17 require designation of interim class counsel.” Fed. R. Civ. P. 23 Notes (2003).

18 While neither Rule 23(g) nor the Notes explicitly set forth the standards to be applied in
19 choosing Interim Class Counsel, courts have held that the same factors that apply in choosing
20 class counsel at the class certification stage apply in choosing interim class counsel. *See Four in*
21 *One Co. v. SK Foods, L.P.*, No. 08-3017, 2009 U.S. Dist. LEXIS 28657, at *7-8 (E.D. Cal. Mar.
22 19, 2009) (“Courts have held that the same standards applicable to choosing class counsel at the
23 time of class certification apply in choosing interim class counsel.”) (quoting *In re Air Cargo*
24 *Shipping Servs. Antitrust Litig.*, 240 F.R.D. 56, 57 (E.D.N.Y. 2006)); *see also Waudby v. Verizon*
25 *Wireless Servs., LLC*, 248 F.R.D. 173, 175 (D.N.J. 2008); *Parkinson*, 2006 U.S. Dist. LEXIS
26 59055, at *6 (“Rule 23(g) provides criteria to consider when appointing class counsel, without
27 distinguishing interim counsel. Presumably the same factors apply, however.”).

1 Fed. R. Civ. P. 23(g)(1)(A) specifies that in designating class counsel the court must
2 consider:

3 (i) the work counsel has done in identifying or investigating potential claims in the
4 action;

5 (ii) counsel's experience in handling class actions, other complex litigation, and the
6 types of claims asserted in the action;

7 (iii) counsel's knowledge of the applicable law; and

8 (iv) the resources that counsel will commit to representing the class.

9 In general, a class is fairly and adequately represented where counsel is qualified,
10 experienced and generally capable of conducting class action litigation. *Jordan v. Cnty. of L.A.*,
11 669 F.2d 1311 (9th Cir. 1980), *vacated on other grounds*, 459 U.S. 810 (1982). The
12 considerations set forth below in detail support the designation of Plaintiffs' chosen counsel as
13 interim class counsel.

14 **B. Milberg and Reese Richman Satisfy The Requirements of Rule**
15 **23(g)(1)(A)**

16 **1. Milberg and Reese Richman Have Taken Steps to Expedite the**
17 **Action**

18 Pursuant to Rule 23(g)(1)(A), a court, in selecting interim class counsel, must consider
19 "the work counsel has done in investigating potential claims in the action." Unlike other privacy-
20 related litigation that is commenced following media or regulatory exposure of wrongful
21 conduct, Milberg and Reese Richman conducted extensive proprietary investigation in
22 consultation with experts of the mechanisms through which Facebook unlawfully tracked
23 Internet users. This was followed by extensive legal research, resulting in Milberg's filing of the
24 Complaint on May 9, 2011.

25 Defendant filed its motion to dismiss on July 20, 2011 (Dkt. # 10). On September 1,
26 2011, Milberg and Reese Richman filed a thoroughly researched response. Dkt. # 16.
27 Defendant has noticed a Dec. 2, 2011 hearing date on the motion and the Court has scheduled an
28 initial case management conference for Dec. 16, 2011.

1 **2. Milberg and Reese Richman Have Extensive Consumer and**
2 **Other Complex Class Action Experience**

3 The second and third Rule 23(g)(1)(A) factors (which courts consider together because of
4 their overlap) are “counsel’s experience in handling class actions, other complex litigation, and
5 the types of claims asserted in the action” and “counsel’s knowledge of the applicable law,” and
6 have been noted as most persuasive factors in choosing lead counsel. Fed R. Civ. P.
7 23(g)(1)(A)(ii) and (iii); *see also In re Terazosin Hydrochloride Antitrust Litig.*, 220 F.R.D. 672,
8 702 (S.D. Fla. 2004) (explaining that the “most persuasive” factor in choosing lead counsel
9 pursuant to Rule 23(g) is proposed counsel’s “experience in, and knowledge of, the applicable
10 law in [the] field.”). Milberg and Reese Richman easily satisfy these factors.

11 **a. Milberg**

12 Milberg has, for decades, represented plaintiffs in consumer and shareholder class actions
13 and other complex litigation such as mass torts and antitrust, achieving recoveries of more than
14 \$55 billion since the firm’s inception. *See* Westerman Decl. Ex. A (firm résumé).¹

15 Milberg has successfully prosecuted a number of consumer class actions in this District
16 and other California courts, including: *In re NVIDIA GPU Litig.*, No. 08-04312 (N.D. Cal. 2010)
17 (settlement for repair or replacement of computers); *Messick v. Pioneer Elecs. (USA), Inc.*, No.
18 BC 323499 (Cal. Super. Ct. L.A. Cnty. 2007) (settlement for new firmware upgrade or refund of
19 monies previously paid for said upgrades); and *Mikhail v. Toshiba Am. Info. Sys., Inc.*, No. BC
20 278163 (Cal. Super. Ct. L.A. Cnty. 2005) (settlement for payment or voucher for defective
21 laptop computer).

22 Milberg has served in pioneering leadership roles in numerous high-profile, privacy-
23 related litigations. Milberg was Co-Lead Settlement Counsel in an early privacy class action
24 against DoubleClick in 2000, which alleged that the company had placed web cookies on
25 computer hard drives of Internet users who accessed DoubleClick-affiliated web sites, in
26 violation of three federal laws: the Stored Communications Act (“SCA”), the Wiretap Statute,

27 ¹ “Westerman Decl.” refers to the Declaration of Jeff S. Westerman dated October 28, 2011, that
28 is filed with this motion.

1 and the Computer Fraud and Abuse Act. *In re DoubleClick Inc. Privacy Litig.*, Master File No.
2 00-CIV-0641 (NRB) (S.D.N.Y.). The case settled, and as a part of the settlement agreement
3 negotiated by Milberg and other plaintiffs’ counsel, DoubleClick agreed to explain its privacy
4 policy in “easy-to-read” language; conduct a public information campaign consisting of 300
5 million banner ads inviting consumers to learn more about protecting their privacy; and institute
6 data purging and opt-in procedures among other requirements. Milberg was instrumental in
7 settling that privacy class action and coordinated with 31 plaintiffs’ law firms that represented
8 plaintiffs. Milberg and Reese Richman also litigated a similar privacy case against MySpace,
9 Inc., relating to the unauthorized transmission of personal identifiable information (“PII”) to
10 third parties. Milberg is currently a member of the Plaintiffs’ Executive Committee in *In re*
11 *iPhone Application Litig.*, No. 11-MD-02250 (LHK) (N.D. Cal.).

12 Milberg’s California partner on this case, Jeff S. Westerman, is well-qualified to lead it.
13 Mr. Westerman was the partner in charge of the *NVIDIA GPU Litigation*, which received final
14 settlement approval in December 2010, and as reflected in his accompanying biography, is active
15 in complex litigation in California and moderates and speaks on panels of lawyers and judges on
16 the topic as a past Chair and panelist of the L.A. County Bar Complex Court Symposium
17 Program. (*See* Westerman Decl. Ex. B: Complex Court Symposium.) Sabrina S. Kim, a
18 California partner on leave, but available for consultation, is a former California Deputy
19 Attorney General for the Consumer Law Section and has extensive experience in public and
20 private prosecution of consumer actions. Ms. Kim, along with Mr. Westerman, were two of the
21 principal attorneys responsible for two major California Supreme Court consumer class action
22 rights cases (both 7-0 in favor of consumers) involving class action procedure: *Pioneer Elecs.*
23 *(USA) Inc. v. Super. Ct. (Olmstead)*, 40 Cal. 4th 360 (2007) and *Branick v. Downey Sav. & Loan*
24 *Ass’n*, 39 Cal. 4th 235 (2006).

25 With more than 40 years of experience litigating hundreds of complex litigation actions,
26 Milberg is well qualified to serve as Interim Class Counsel. In 2009 and 2010 the National Law
27 Journal acknowledged Milberg’s “exemplary, cutting-edge work” by including the firm in its
28 prestigious 2010 Plaintiffs’ Hot List. (*See* Westerman Decl. Ex. C: Plaintiffs’ Hot List 2010 and

1 2009.) Milberg is consistently ranked at the top of the field of class action litigation in the
2 securities field by RiskMetrics Group’s Securities Class Action Services (“SCAS”). On March
3 21, 2011, SCAS ranked Milberg as one of the top firms, with settlements totaling approximately
4 \$137.5 million achieved in 2010, and also recognized Milberg as one of the top-five firms in the
5 nation for number of settlements achieved (nine), in its “Top SCAS 50 for 2010” list. Milberg
6 had previously been recognized by SCAS for top lead counsel participation with 28 total
7 settlements in the top 100 securities class action settlements of all time. The previous SCAS
8 report for 2009 ranked Milberg as one of the top-50 plaintiffs’ firms, with settlements totaling
9 \$1.44 billion and averaging \$144 million per settlement, and also recognized Milberg as one of
10 the top-five firms in the nation for number of settlements achieved (ten). (See Westerman Decl.
11 Ex. D: SCAS Reports.) In 2010, Law360 selected Milberg as one of its “plaintiff-side securities
12 firms of the year,” citing the firm’s \$586 million recovery in the *Initial Public Offering*
13 *Litigation*, among other significant accomplishments. (See Westerman Decl. Ex. E: “Plaintiffs
14 Securities Firms Of The Year,” Law360, Jan. 1, 2010.)

15 As reported by Law360 in September 2010, Milberg was one of the few plaintiffs’ law
16 firms recognized as an “awesome opponent” in a survey of corporate counsel conducted for BTI
17 Consulting Group’s 2011 Litigation Outlook report. The survey, which questioned 240
18 corporate counsel about which firms they feel are the most formidable litigation opponents,
19 revealed that corporate counsel view Milberg as “[one of the law firms] they prefer to steer clear
20 of in litigation.” Milberg has for decades represented plaintiffs in class actions and complex
21 litigation in the fields of consumer protection, privacy, securities, shareholder rights, and mass
22 torts, achieving recoveries of more than \$55 billion since the firm’s inception. See Westerman
23 Decl. Ex. A (firm résumé). The legal community has long recognized Milberg’s outstanding
24 results in these areas.

25 **b. Reese Richman**

26 The attorneys of Reese Richman have represented consumers, investors, and employees
27 in a wide-array of class action litigation throughout the nation. See Westerman Decl. Ex. F (firm
28 résumé). For example, in *Yoo v. Wendy’s International, Inc.*, No. 07-cv-04515 FMC (C.D. Cal.),

1 a class action for violation of California’s consumer protection laws, Mr. Reese was appointed
2 class counsel by the court and commended on achieving a settlement that eliminated trans fats
3 from a popular food source. The court noted that counsel “conducted the litigation and achieved
4 the Settlement with skill, perseverance and diligent advocacy.” In *Chin v. RCN Corp.*, No. 08-
5 cv-7349 RJS (S.D.N.Y.), a class action against an Internet Service Provider (ISP) for its practice
6 of “throttling” (i.e., limiting) its customers’ Internet access, Mr. Reese was appointed class
7 counsel and commended after achieving a settlement that provided for an injunction of the
8 adverse network management practice. See *Chin v. RCN Corp.*, No. 08-7349, 2010 U.S. Dist.
9 LEXIS 96302 (S.D.N.Y. Sept. 8, 2010) (stating, in regard to Rule 23 requirements, that “class
10 counsel is qualified, experienced, and able to conduct the litigation.”).

11 Victories by Mr. Reese on behalf of investors include *Siemers v. Wells Fargo, Inc.*,
12 No. 05-CV-4518 (WHA) (N.D. Cal.), a class action for violation of §10(b) of the Securities
13 Exchange Act of 1934, which resulted in settlement soon after the class was certified; *In re Sears*
14 *Roebuck and Co. Securities Litigation*, No. 02-CV-07527 (N.D. Ill.), which resulted in a \$215
15 million recovery for shareholders; and *In re American Express Financial Services Securities*
16 *Litigation*, No. 04-CV-1773 (S.D.N.Y.), and *Spahn v. Edward D. Jones & Co. L.P.*, 04-CV-
17 0086-HEA (E.D. Mo.), both of which were actions against brokerages for alleged receipt of
18 kickbacks from mutual fund companies that resulted in settlements of \$100 million and \$127.5
19 million, respectively.

20 Mr. Reese also has had great success at the appellate level advocating for consumers and
21 investors. In *Masters v. DirecTV, Inc.*, Mr. Reese successfully litigated before the Court of
22 Appeals for the Ninth Circuit that California laws can apply to consumers nationwide when the
23 defendant corporation is headquartered within the state. See *Masters v. DirecTV, Inc.*, No. 08-
24 55825, 2009 U.S. App. LEXIS 25479 (9th Cir. Nov. 19, 2009).

25 Other cases litigated by the attorneys of Reese Richman include: *Ackerman v. Coca-Cola*
26 *Co.*, No. 09-CV-0395 (JG) (RML) (E.D.N.Y.), a class action for violation of California’s and
27 New York’s consumer protection laws; *Gaines v. Home Loan Center Inc.*, No. 08-CV-667 DOC
28 (C.D. Cal.), a class action for violation of the Racketeer Influenced and Corrupt Organizations

1 (RICO) Act; *Tan v. Comcast Corp.*, No. 2:08-cv-02735 LDD (E.D. Pa.), a class action for
2 violation of the federal Computer Fraud and Abuse Act (CFAA); *Young v. Wells Fargo & Co.*,
3 No. 08-cv-507 (S.D. Iowa), a class action for violation of the RICO Act; *Murphy v. DirecTV,*
4 *Inc.*, No. 07-cv-06545 FMC (C.D. Cal.), a class action for violation of California’s consumer
5 protection laws; *Kastin v. AMR Corp.*, No. 06-CV-5726 (S.D.N.Y.), a class action for violation
6 of the Sherman Antitrust Act; *In re Orbitz Taxes and Fees Litigation*, No. 05 CH 00442 (Cook
7 Cnty., Ill.), a class action for violation of Illinois’ consumer protection laws; *All-Star Carts and*
8 *Vehicles Inc. v. BFI Canada Income Fund*, No. 08-CV-1816 LDW (E.D.N.Y.), a class action for
9 violation of the Sherman Antitrust Act; *Fink v. Time Warner Cable*, No. 08-cv-9628 LTS
10 (S.D.N.Y.), a class action for violation of New York’s consumer protection law; and *Serrano v.*
11 *Cablevision Systems Corp.*, No. 09-CV-1056 DI (E.D.N.Y.), a class action for violation of the
12 CFAA and of New York’s consumer protection law.

13 **3. Milberg and Reese Richman Have Committed, and Will**
14 **Continue to Commit, Significant Resources on Behalf of the**
15 **Class.**

16 The last mandatory Rule 23(g) factor examines the “resources that counsel will commit
17 to represent the parties.” Fed. R. Civ. P. 23(g)(1)(A)(iv). Milberg and Reese Richman have
18 devoted significant resources to this litigation and will continue to do so.

19 **a. Milberg Has Exceptional In-House Litigation Support**
20 **Tools**

21 In a case in which the main allegations concern the misuse of electronic data, taking
22 forward-looking measures to establish appropriate protocols for the handling of such evidence is
23 of utmost importance to achieving a benefit for putative Class members. Milberg’s exceptional
24 internal resources with respect to litigation support tools and management systems will add a
25 significant benefit to the e-discovery of this litigation.

26 Milberg is a recognized leader in the field of e-discovery. (*See* Westerman Decl. Ex. G:
27 Milberg e-discovery brochure.) The firm’s in-house Litigation Support Department (established
28 nearly a decade ago) has enabled the firm to go toe-to-toe with its adversaries when tackling
challenges presented by the evolution of electronically stored information, also known as ESI.

1 Milberg’s well-established e-discovery infrastructure allows the firm to rapidly adapt to the
2 expanding work in the field, often leading the industry in e-discovery advancements. Milberg’s
3 internal capabilities include access to an experienced team of litigation support professionals
4 who offer a wide array of services such as: developing legal strategies and plans for pursuing and
5 responding to discovery, shaping data preservation, spoliation and data collection issues,
6 controlling data, managing data, and conducting computer forensic analysis. Milberg also has a
7 state-of-the-art e-discovery infrastructure that supports the firm’s rapidly expanding work in the
8 field, allowing it to host innovative document review tools such as Relativity™ and cutting edge
9 document hold management systems such as Method; and the capability to run advanced
10 software such as analytical document review software Cataphora; analytic index engine Content
11 Analyst (which allows grouping of documents and predictive coding); deposition digest program
12 LiveNote; case analysis and complex litigation organization tool Casemap; and other more
13 traditional document review programs such as Summation and Concordance; among many
14 others.

15 Milberg’s in-house e-discovery team is headed by Milberg partner Ariana J. Tadler, who
16 serves on the Sedona Conference’s® Business Advisory Board, and is also Co-Chair of the
17 Steering Committee for Working Group I on Electronic Document Retention and Production, the
18 leading “think tank” on e-discovery. Ms. Tadler is also on the Advisory Board of Georgetown
19 University Law Center’s Advanced E-Discovery Institute. Among the first plaintiffs’ firms in
20 the country to assemble and train a dedicated team of lawyers and litigation support professionals
21 to meet the e-discovery demands of major national litigation, Milberg has developed e-discovery
22 capabilities exceptional among U.S. law firms. The firm’s e-discovery team has been retained
23 even in actions in which Milberg is not directly involved as counsel, including assisting in the
24 management of international discovery in Colombia on behalf of numerous Departments of the
25 Colombian government.

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b. Milberg and Reese Richman Have Additional Resources to Ensure Effective Prosecution of the Case

Complex litigation often hinges on obtaining pre-discovery facts to support allegations of wrongdoing, or to correctly analyze and organize discovery materials. From the firm’s experience, outsourcing of these services, which numerous other firms do in whole or in part, is less efficient and more expensive, to the detriment of the client. Milberg’s non-attorney, in-house professionals have been critical to the firm’s ability to achieve excellent results for its clients. Such professionals include seven in-house investigators (who are managed by a 27-year veteran of the Federal Bureau of Investigation), two forensic accountants, two financial analysts, four litigation support analysts and eleven information technology technicians and engineers. Milberg has the capital and human resources necessary to prosecute this complex litigation for as long as it takes to achieve the best recovery for the class. *See* Fed. R. Civ. P. 23(g)(1)(A)(ii).

Milberg’s recent trial victory in *In re Vivendi Securities, S.A. Litigation*, in the Southern District of New York, exemplifies Milberg’s commitment to its clients and ability to match the resources of well-heeled defendants for as long as necessary. (*See* Westerman Decl. Ex. H: Vivendi.) In early 2010, Milberg, as trial counsel in the four-month Vivendi jury trial, won a plaintiffs’ verdict in a securities class action against French media conglomerate Vivendi, S.A. Milberg, with co-counsel, had litigated the case since 2002. The litigation involved a review of more than 4 million pages of documents, many of which had to be translated from French, and depositions of over 60 witnesses, many of which occurred overseas. Milberg and Reese Richman are ready to commit the similar resources of capital, personnel, and time to this litigation.

III. CONCLUSION

In the interest of judicial economy and for the reasons set forth above, Plaintiffs respectfully requests that the Court designate Milberg LLP and Reese Richman as interim class counsel.

1 Dated: October 28, 2011

Respectfully Submitted,

3 /s/ Jeff S. Westerman

4 JEFF S. WESTERMAN

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all parties registered for electronic notification in this matter.

/s/ Jeff S. Westerman
Jeff S. Westerman

EXHIBIT A

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9 *Attorneys for Plaintiffs*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 RYAN UNG, CHI CHENG, and ALICE ROSEN,
14 on Behalf of Themselves and All Others Similarly
15 Situated,

16 Plaintiffs,

17 v.

18 FACEBOOK, INC.,

19 Defendant.

Case No. CV-11-02829-JSW

CLASS ACTION

**[PROPOSED] ORDER DESIGNATING
MILBERG LLP AND REESE
RICHMAN LLP AS INTERIM CLASS
COUNSEL PURSUANT TO FED R.
CIV. P. 23(g)(3)**

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Plaintiffs' motion for the designation of Milberg LLP and Reese Richman LLP as Interim Class Counsel was filed on October 28, 2011. Having considered all the papers filed in support of the Motion, and all other pleadings and papers on file, the Court finds that Milberg LLP and Reese Richman LLP meet the Fed. R. Civ. P. 23 requirements for designation as Interim Class Counsel.

Good cause appearing therefore, **IT IS HEREBY ORDERED THAT:** Plaintiffs' Motion to Designate Interim Class Counsel is **GRANTED.**

Dated:

The Honorable Jeffrey S. White