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8 Attorneys for Defendant FACEBOOK, INC.

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

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

15 Plaintiffs,

16 v.

17 FACEBOOK, INC.,

18 Defendant.

Case No. 11-CV-02829-JSW-PSG

**DECLARATION OF MATTHEW D. BROWN  
IN SUPPORT OF FACEBOOK, INC.'S  
SUPPLEMENTAL BRIEF REGARDING  
JURISDICTION UNDER THE CLASS  
ACTION FAIRNESS ACT (28 U.S.C.  
§ 1332(d))**

Judge: Hon. Jeffrey S. White  
Courtroom: 11  
Trial Date: Not yet set

1 I, Matthew D. Brown, declare as follows:

2 1. I am an attorney admitted to practice law in the courts of the State of California  
3 and a partner at Cooley LLP (“Cooley”), counsel for Defendant Facebook, Inc. (“Facebook”).  
4 Except as noted otherwise, I have personal knowledge of the facts herein, and if called to testify,  
5 could and would testify competently hereto.

6 2. On December 5, 2011, I contacted Peter Seidman of Milberg LLP, counsel for  
7 Plaintiffs, by telephone and asked for Plaintiffs’ position on the amount in controversy in this  
8 action and, related, whether this case should be in federal or state court. I also specifically asked  
9 whether Plaintiffs believed that the amount in controversy was less than \$5,000,000, exactly  
10 \$5,000,000, or greater than \$5,000,000. During our conversation, Mr. Seidman told me that  
11 Plaintiffs do not currently have a position on the foregoing issues, and that Plaintiffs would  
12 formulate their position after Facebook’s supplemental brief has been filed on December 7.

13 I declare under penalty of perjury that the forgoing is true and correct.

14 Executed on December 7, 2011 at San Francisco, California.

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/s/ Matthew D. Brown  
Matthew D. Brown