

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

E.K.D., by her next friend Melissa K. Dawes, and C.M.D., by his next friend Jennifer E. DeYong, individually and on behalf of all others similarly situated,	)	
	)	
Plaintiffs,	)	No: 3:11-cv-00461-GPM-SCW
	)	
v.	)	CLASS ACTION
	)	
FACEBOOK, INC.,	)	
	)	
Defendant.	)	

**DECLARATION OF MATTHEW D. BROWN IN SUPPORT OF  
MOTION FOR MORE DEFINITE STATEMENT OR DISMISSAL OF PLAINTIFFS’  
COMPLAINAND MOTION FOR JUDICIAL NOTICE**

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

1. I am an attorney licensed to practice law in the State of California, and I am admitted *pro hac vice* in the above-captioned matter before this Court. I am a partner with the law firm of Cooley LLP, attorneys for Defendant Facebook, Inc. (“Facebook”) in this action. I make this declaration in support of Facebook’s Motion for More Definite Statement or Dismissal of Plaintiffs’ Complaint and its Motion for Judicial Notice. I have personal knowledge of the facts stated in this declaration, and if called upon to testify, could and would competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of a screenshot from the page of Facebook’s Help Center entitled, “What does it mean to ‘Like’ a piece of content that’s been posted?,”

<http://www.facebook.com/help/new/?faq=116118951805237#!/help/?faq=110920455663362>

(last visited Aug. 1, 2011). Facebook's Help Center Page is available in full at <http://www.facebook.com/help> (last visited Aug. 1, 2011).

3. Attached as **Exhibit B** is a true and correct copy of a screenshot from the page of Facebook's Help Center entitled, "What are Facebook Ads?," <http://www.facebook.com/help/?page=856#!/help/?faq=116118951805237> (last visited Aug. 1, 2011).

4. Attached hereto as **Exhibit C** is a true and correct copy of a screenshot from the page of Facebook's Help Center entitled, "What are 'Friends of connections'?" <http://www.facebook.com/help/?faq=200463559997135> (last visited Aug. 1, 2011). Paragraph 18 of Plaintiffs' Complaint duplicates substantial portions of two paragraphs from this Help Center page. (Compl. ¶ 18.)

5. Attached hereto as **Exhibit D** is a true and correct copy of a screenshot from the page of Facebook's Help Center entitled, "Why did I see my friend's name or photo attached to an ad?," <http://www.facebook.com/help/?faq=186543544726650> (last visited Aug. 1, 2011). Paragraph 19 of Plaintiffs' Complaint duplicates three sentences from this Help Center page. (Compl. ¶ 19.)

6. For the Court's convenience, Facebook hereby attaches courtesy copies of the following documents cited in its Motion for More Definite Statement or Dismissal of Plaintiffs' Complaint:

7. Attached hereto as **Exhibit E** is a true and correct copy of *Gaos v. Google, Inc.*, No. C. 10-04809 JW, slip. op. (N.D. Cal. Apr. 7, 2011).

8. Attached hereto as **Exhibit F** is a true and correct copy of Complaint, *United States v. Sony BMG Music Entm't*, No. 08-CV-10730-LAK (S.D.N.Y. Dec. 10, 2008).

9. Attached hereto as **Exhibit G** is a true and correct copy of S. 2326, 105th Cong. (1998).

10. Attached hereto as **Exhibit H** is a true and correct copy of Testimony of the FTC before the Subcommittee on Consumer Protection, Product Safety, and Insurance, July 15, 2010.

11. Attached hereto as **Exhibit I** is a true and correct copy of COPPA Frequently Asked Questions, FTC, <http://www.ftc.gov/privacy/coppafaqs.shtm> (revised Oct. 7, 2008).

12. Attached hereto as **Exhibit J** is a true and correct copy of S.A. Millar, *Maine Kids' Privacy Law Conflicts With COPPA*, Martindale Hubbell (Aug. 5, 2009).

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

Executed on August 1, 2011, at San Francisco, California.

/s/ Matthew D. Brown

Matthew D. Brown

**Certificate of Service**

I hereby certify that on August 1, 2011, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notifications of such filings to the following:

**Attorneys for Plaintiffs**

Aaron M. Zigler  
Steven A. Katz  
KOREIN TILLERY  
One U.S. Bank Plaza  
505 North 7th Street, Suite 3600  
St. Louis, MO 63101-1625  
Phone: (314) 241-4844  
Fax: (314) 241-3525  
azigler@koreintillery.com  
skatz@koreintillery.com

Respectfully submitted,

/s/ Matthew D. Brown  
Matthew D. Brown (*admitted pro hac vice*)  
Jeffrey M. Gutkin (*admitted pro hac vice*)  
COOLEY LLP  
101 California Street, Fifth Floor  
San Francisco, CA 94111-5800  
Phone: (415) 693-2000  
Fax: (415) 693-2222  
brownmd@cooley.com  
jgutkin@cooley.com

Charles Swartwout  
BOYLE BRASHER LLC  
5000 West Main Street  
P.O. Box 23560  
Belleville, IL 62223  
Telephone: 618-277-9000  
cswartwout@boylebrasher.com

Attorneys for Defendant Facebook, Inc.