

# EXHIBIT B

**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,** )  
)  
**vs.** )  
)  
**FACEBOOK, INC.,** )  
)  
**Defendant.** )

**Cause No: 3:11-cv-00461-GPM-SCW**

**CLASS ACTION**

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**PLAINTIFFS' INITIAL DISCLOSURES**

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Plaintiffs disclose the following information pursuant to Rule 26(a)(1)(A):

**I.**

**FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)(A)(i)**

*the name and, if known, the address and telephone number of each individual likely to have discoverable information - along with the subjects of that information - that the [Plaintiffs] may use to support [their] claims or defenses, unless solely for impeachment;*

**1. Corporate Representatives of Facebook Inc.**

- a. Document retention and collection efforts;
- b. Information concerning its management and decision-making structure;
- c. Information concerning its efforts to ensure users are using their true identities on facebook.com;
- d. The name and contact information for users who facebook's records show were minors when their names or photos were used in connection with advertisements; the dates those identities were used in connection with advertisements, the number of advertisements in which the user's identity appeared; the advertiser's identity, the subject-matter of the advertisement; the number of unique impressions

for each advertisement; and the gross, or total, revenue that facebook received from such use;

- e. Information concerning the its efforts (or lack thereof) to obtain legal consent from minors whose name or photo were used in advertisements;
- f. The procedure an advertiser undertakes in order to place an advertisement on facebook that will include the name or profile picture of a minor user;
- g. Information concerning the cost to advertisers and value to facebook of advertisements featuring the name, profile picture, or identity of users;
- h. User feedback concerning facebook advertisements featuring the name, profile picture, or identity of users;

## **2. The named plaintiffs' personal representatives**

The named plaintiffs' personal representatives have knowledge regarding the lack of legal consent to the use of their children's names and likenesses in advertising; the age of their children; and their ability to fairly and adequately serve as class representatives.

## **3. Plaintiffs' counsel**

Plaintiffs' counsel have knowledge regarding their ability to fairly and adequately serve as class counsel; they have knowledge regarding their experience in class actions and other complex litigation; they also have information regarding reasonable attorneys' fees in this case and costs.

## **II.**

### **FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)(A)(ii)**

*a copy of – or a description by category and location – of all documents, electronically stored information, and tangible things that [Plaintiffs] ha[ve] in [their] possession, custody, or control and may use to support [their] claims or defenses, unless the use would be solely for impeachment;*

- 1. None.

## **III.**

### **FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)(A)(iii).**

*a computation of any category of damages claimed by [Plaintiffs] ...;*

1. Damages in this matter may be calculated as:
  - a. # of unique impressions of infringing advertisements × \$ of statutory penalty + punitive damages + attorneys' fees + interest + costs = damages;
  - b. \$ profit derived from infringing advertisements + punitive damages + attorneys' fees + interest + costs = damages
  - c. \$ actual damages from infringing advertisements + punitive damages + attorneys' fees + interest + costs = damages

**IV.**

**FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)(A)(iv)**

*for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.*

1. None.

**KOREIN TILLERY**

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**CERTIFICATE OF SERVICE**

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I hereby certify that on October 3, 2011, I electronically served the foregoing document on:

- Matthew D. Brown
- Jeffrey M. Gutkin
- Michael C. Hermann
- Michael G. Rhodes
- Charles J. Swartwout
- Steven A. Katz

**KOREIN TILLERY**

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