

1 Stephen G. Grygiel (*admitted pro hac vice*)
 2 **SILVERMAN THOMPSON**
 3 **SLUTKIN WHITE LLC**
 4 201 N. Charles Street, 26TH Floor
 5 Baltimore, MD 21201
 6 Tel.: (410) 385-2225
 7 Fax: (410) 547-2432
 8 *sgrygiel@mdattorney.com*

Frederic S. Fox (*admitted pro hac vice*)
 David A. Straite (*admitted pro hac vice*)
KAPLAN FOX & KILSHEIMER LLP
 850 Third Avenue, 14th Floor
 New York, NY 10022
 Tel.: (212) 687-1980
 Fax: (212) 687-7714
dstraite@kaplanfox.com

Laurence D. King (206423)
 Mario Choi (243409)
KAPLAN FOX & KILSHEIMER LLP
 350 Sansome Street, 4th Floor
 San Francisco, CA 94104
 Tel.: (415) 772-4700
 Fax: (415) 772-4707
lking@kaplanfox.com

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

16 IN RE: FACEBOOK, INC. INTERNET
 17 TRACKING LITIGATION

No. 5:12-md-02314-EJD

**DECLARATION OF DAVID A. STRAITE IN
 SUPPORT OF PLAINTIFFS’
 ADMINISTRATIVE MOTION TO FILE
 PORTIONS OF MEMORANDUM OF
 POINTS AND AUTHORITIES UNDER SEAL**

N.D. Cal. L.R. 7-11 and 79-5

Next Hearing Date: April 28, 2016

Judge: The Honorable Edward J. Davila

28 **DECLARATION OF DAVID A. STRAITE IN SUPPORT OF PLAINTIFFS’ ADMINISTRATIVE
 MOTION TO FILE MEMORANDUM UNDER SEAL**
 No. 5:12-md-02314-EJD

DECLARATION OF DAVID A. STRAITE

I, David A. Straite, declare as follows:

1. I am an attorney admitted *pro hac vice* to practice before this Court in this matter. I am an attorney at the law firm of Kaplan Fox & Kilsheimer LLP, Interim Co-Lead Class Counsel in this class action against Defendant Facebook Inc.

2. I submit this declaration in support of plaintiffs’ administrative motion to file portions of plaintiffs’ Memorandum of Points and Authorities in Opposition to Facebook’s Motion to Dismiss (the “Memorandum”) under seal (the “Motion to Seal”). The following statements are based on my personal knowledge and review of the files in this case and, if called on to do so, I could and would testify competently thereto.

3. Plaintiffs’ Motion to Seal describes one document (the Memorandum) sought to be sealed, which quotes from or reflects information learned from documents produced by Facebook during discovery and designated as “Highly Confidential.”

4. Exhibit 1 to this declaration is a redacted public version of the Memorandum which plaintiffs seek to file under seal, redacting sealed material included in or with the Second Amend Complaint filed November 30, 2015, material which is subject to a currently outstanding motion to seal also dated Nov. 30, 2015. [ECF No. 90].

5. Exhibit 2 to this Declaration is the full unredacted Memorandum. Text redacted in the public version has been highlighted in yellow in this under-seal version.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 18th day of February, 2016, at New York, NY.

/s/ David Straite
David A. Straite