

Exhibit 1

Trigg, Adam

From: Trigg, Adam
Sent: Monday, March 07, 2016 4:37 PM
To: 'David Straite'; Stephen G. Grygiel; Wong, Kyle
Cc: Laurence King; Wilfred Gomes; Brown, Matthew D.
Subject: RE: In re: Facebook Internet Tracking Litigation

David,

We have some clarifications to your summary of our call.

Regarding depositions and additional document custodians, we reiterated that we do not oppose the three depositions or the production of documents from additional relevant custodians if the court rejects our motion to stay discovery or our motion to dismiss, so we attempted to negotiate on the timing of the depositions and identity and timing of production from additional custodians in that event. Because you do not agree that discovery should be stayed, you were unwilling to discuss the terms of such further discovery.

As to documents related to the named Plaintiffs, we reiterated that your insistence on every single document in Facebook's possession related to the named Plaintiffs is unreasonable because it would include potentially large amounts of information that are wholly irrelevant to the issues in the litigation, such as photos uploaded, messages sent and received, and other actions on Facebook, in addition to information about other Facebook users who are not named plaintiffs.

Regarding the issue of the confidentiality designations, as we have said, attorneys reviewed each document that was produced for relevance and confidentiality. You initially indicated that the main concern with our designations was your inability to share them with the named Plaintiffs. While we question the need to share these documents with the named Plaintiffs in what is clearly a lawyer-driven case, we offered, as provided for in the Protective Order, to provide written permission for those documents to be shared with the named Plaintiffs. You have refused this offer. Also, we have repeatedly asked you to provide us examples of documents that you think have been misdesignated, so that we may review them and respond to your concerns, but you have refused. This does not "shift the burden" as you claim, but rather is the procedure set out in the Protective Order. You claimed on the call that you have such examples and plan to use them in your motion to compel. This undermines your very claim that you could not provide us examples because it would amount to showing us your "hot docs binder." We again ask that you provide us the examples so that we may constructively address your concern without burdening the court.

Regards,
Adam

Adam C. Trigg

Cooley LLP
(650) 843-5324

From: David Straite [mailto:dstraite@kaplanfox.com]
Sent: Monday, March 07, 2016 2:21 PM
To: Trigg, Adam; Stephen G. Grygiel; Wong, Kyle
Cc: Laurence King; Wilfred Gomes; Brown, Matthew D.
Subject: RE: In re: Facebook Internet Tracking Litigation

Kyle,
Adam,

This email will summarize our meet and confer teleconference today.

1. Depositions: we repeated our request of Jan. 14th to schedule depositions of the 3 witnesses whose documents you have already produced. On today's call, you continued to refuse to schedule them, but did not contest the relevancy of these three witnesses. You proposed a plan whereby depositions would take place within 30 days after the court rules on your motion to stay discovery, on condition that we not seek any depositions prior (i.e., a discovery stay). We rejected the proposal on the call, but can re-visit this issue after we file our motion to compel document discovery.

2. Custodians: you refused our request to search the additional 26 custodians identified in my letter of January 14th. You offered to prioritize the search of up to 5 additional custodians -- but you conditioned the proposal on no further custodians until the court rules on your motion to stay, and also conditioned it preserving the right to decline to search one or more of them on relevancy grounds. We rejected the proposal.

3. Facebook documents related to the named plaintiffs: you represented that your client is reconstructing databases to enable a search for documents related to plaintiffs. However, we understand that your efforts encompass only documents related to plaintiffs' "internet browsing history" and we therefore must reject the proposal. This is a class action, and it is necessary and appropriate for us to seek any and all documents related to the named plaintiffs in your client's custody, control or possession.

4. Confidentiality order: we repeated our view that designating 99.99% of all documents as confidential violates the court's protective order. On earlier calls, we asked if you would re-review and apply the appropriate designations, and you rejected this request. You proposed to shift the burden to us to challenge your designations on a document-by-document basis for the entire production, which we rejected.

5. Documents Produced by Plaintiffs: we discussed two categories of plaintiff documents:

a. You requested documents related to CFAA damages (RFP 45 and 46 served on Plaintiff Davis). We objected to the request in our responses and objections. On today's call you offered to table further discussions on condition that we preserve the documents. We agreed.

b. You requested documents related to prior unrelated litigation involving a named plaintiff (RFP 43). We objected in our responses and objections. On today's call we repeated our offer that we identify prior litigation by case number and table further discussion until you have a chance to review the docket to see if further documents would be requested. You agreed to discuss with your client and get back to us.

c. Finally, you represented that you are unaware of any other outstanding discovery owed by plaintiffs but you agreed to contact us if any issue has slipped through the cracks.

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From: Trigg, Adam [<mailto:atrigg@cooley.com>]

Sent: Monday, March 07, 2016 1:28 PM

To: Stephen G. Grygiel <sgrygiel@mdattorney.com>; David Straite <dstraite@kaplanfox.com>; Wong, Kyle <kwong@cooley.com>

Cc: Laurence King <LKing@kaplanfox.com>; Wilfred Gomes <wgomes@kaplanfox.com>; Brown, Matthew D.

<BROWNMD@cooley.com>

Subject: RE: In re: Facebook Internet Tracking Litigation

Kyle and I are available at 1pm PST/ 4pm EST. Does that work for you, David? We can use this dial-in:

Dial In: 1-877-211-3621

Guest Passcode: 323 290 5804

Adam C. Trigg

Cooley LLP
(650) 843-5324

From: Stephen G. Grygiel [<mailto:sgrygiel@mdattorney.com>]

Sent: Monday, March 07, 2016 6:44 AM

To: David Straite; Wong, Kyle

Cc: Laurence King; Wilfred Gomes; Brown, Matthew D.; Trigg, Adam

Subject: RE: In re: Facebook Internet Tracking Litigation

I am in pre trial exhibit marking session 10-12 then with witnesses 3-6 EST and have a noon call EST. If you need to go without me, please do.

Stephen G. Grygiel

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From: David Straite [<mailto:dstraite@kaplanfox.com>]

Sent: Monday, March 07, 2016 9:11 AM

To: Wong, Kyle <kwong@cooley.com>

Cc: Stephen G. Grygiel <sgrygiel@mdattorney.com>; Laurence King <LKing@kaplanfox.com>; Wilfred Gomes <wgomes@kaplanfox.com>; Brown, Matthew D. <BROWNMD@cooley.com>; Trigg, Adam <atrigg@cooley.com>

Subject: RE: In re: Facebook Internet Tracking Litigation

Kyle, we can speak today on the issues you discuss below. We'd also like to address any and all outstanding discovery requested from plaintiffs. We understand that there is only one outstanding issue (prior litigation of Mr. Vickery), including our compromise proposal on that topic. Please let us know your availability today.

David A. Straite

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From: Wong, Kyle [<mailto:kwong@cooley.com>]

Sent: Friday, March 04, 2016 5:01 PM

To: David Straite <dstraite@kaplanfox.com>

Cc: Stephen G. Grygiel <sgrygiel@mdattorney.com>; Laurence King <LKing@kaplanfox.com>; Wilfred Gomes <wgomes@kaplanfox.com>; Brown, Matthew D. <BROWNMD@cooley.com>; Trigg, Adam <atrigg@cooley.com>

Subject: RE: In re: Facebook Internet Tracking Litigation

David,

In response to your items:

1. We are not entirely sure what you mean by “a number of compromises related to tangential discovery issues.” To be clear, regardless of any agreement between the parties or even if Plaintiffs file a motion to compel, Facebook will undertake the following as discussed during the meet and confer process: (1) we will produce additional, relevant Help Center pages published during the Relevant Period that we are able to locate, focusing first on any identified in the complaint, (2) if you identify the Bates numbers of emails that link to Google docs, we will make a good-faith search for those documents and produce any we locate that are relevant and not privileged, and (3) we will make reasonable efforts to access data from the relevant time period and to ascertain whether it can be queried to locate data regarding the named Plaintiffs’ Internet browsing, to the extent such data exists.

Regarding your intended motion to compel, as we have said previously, we do not oppose depositions of the three custodians whose documents we have produced or the reasonable and proportional production of relevant documents from a reasonable number of additional custodians if the Court allows any of Plaintiffs’ claims to proceed or if the Court denies our motion to stay discovery. As such, we should meet and confer about the timing of the three current custodians’ depositions tied to the Court’s ruling in Plaintiffs’ favor on either of Facebook’s motions as well as the initial set of custodians whose documents we will search and produce in the event of such a ruling. We are available Monday for a meet and confer on these issues.

2. We do not withdraw any confidentiality designations for these documents. The January 14 letter, however, has now been filed on the court docket, and may be treated accordingly under the Protective Order.

3. We will take no position on your proposed changes.

Kind regards,

Kyle

From: Wong, Kyle

Sent: Thursday, March 03, 2016 1:25 PM

To: 'David Straite'

Cc: Stephen G. Grygiel; Laurence King; Wilfred Gomes; Brown, Matthew D.; Trigg, Adam

Subject: RE: In re: Facebook Internet Tracking Litigation

David,

We are in receipt of your email and should have a response to the issues and questions it raises shortly. Thank you.

Kind regards,

Kyle

From: David Straite [<mailto:dstraite@kaplanfox.com>]

Sent: Thursday, March 03, 2016 5:40 AM

To: Wong, Kyle

Cc: Stephen G. Grygiel; Laurence King; Wilfred Gomes; Brown, Matthew D.; Trigg, Adam

Subject: In re: Facebook Internet Tracking Litigation

Kyle,

This email will address three items.

1. We saw your motion to stay discovery dated March 2, 2016, filed last night. In your email the previous day dated March 1, 2016, you proposed a number of compromises related to tangential discovery issues. We understand your motion to mean that the offers have been withdrawn, but please clarify so that we may accurately present the facts to the Court in our motion to compel.
2. Attached to your declaration last night is exhibit D, my letter of January 14, 2016 requesting a discovery meet-and-confer. In several places this letter quotes or refers to discovery material designated "highly confidential," including for example the fact that Facebook met with P&G to discuss Facebook's plugins and cookie practices. There are also several quotes from Facebook internal emails on page 2. Given that you have now disclosed this information publicly, we interpret your filing last night to be a withdrawal of certain confidentiality designations, but it would be helpful to know precisely which documents (or portions of documents) you have de-designated, by bates number.
3. Given the current stage of litigation, we will be proposing to the Court to streamline class counsel structure. Most importantly, we will ask the court to eliminate the role of liaison counsel and have Kaplan Fox's San Francisco office handle filings going forward. The Kiesel firm would move to the steering committee. We have also asked Jay Barnes to join the steering committee. Mr. Barnes argued Google Cookie Placement at the Third Circuit. The Mandell firm has agreed to withdraw to make room for Mr. Barnes. Please let us know if Facebook consents, opposes or takes not position on these proposed changes.

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