

1 Michael G. Rhodes (116127)  
 rhodesmg@cooley.com  
 2 Matthew D. Brown (196972)  
 brownmd@cooley.com  
 3 Kyle C. Wong (224021)  
 kwong@cooley.com  
 4 Adam C. Trigg (261498)  
 atrigg@cooley.com

5 **COOLEY LLP**  
 101 California Street, 5th Floor  
 6 San Francisco, CA 94111-5800  
 Telephone: (415) 693-2000  
 7 Facsimile: (415) 693-2222

8 Attorneys for Defendant  
 FACEBOOK, INC.

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 M. 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

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

Interim Co-Class Counsel

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

No. 5:12-md-02314-EJD

IN RE: FACEBOOK, INC.  
 INTERNET TRACKING  
 LITIGATION

**JOINT ADMINISTRATIVE MOTION  
 FOR LEAVE TO FILE A  
 STATEMENT OF RECENT  
 DECISION AND SUPPLEMENTAL  
 BRIEFING CONCERNING THE  
 APPLICATION OF THE RECENT  
 DECISION**

1 Under Civil Local Rule 7-11, Plaintiffs Perrin Davis, Cynthia Quinn, Brian Lentz, and  
2 Matthew Vickery (collectively, “Plaintiffs”) and Defendant Facebook, Inc. (“Facebook”)  
3 (Plaintiffs and Facebook collectively, the “Parties”) submit this Joint Administrative Motion for  
4 Leave to File a Statement of Recent Decision and Supplemental Briefing Concerning the  
5 Application of the Recent Decision. Two days ago (May 16, 2016), the United States Supreme  
6 Court issued an opinion in *Spokeo, Inc. v. Robins*, No. 13-1339 (“*Spokeo*”). A copy of the  
7 proposed Statement of Recent Decision containing the *Spokeo* slip opinion is attached as Exhibit  
8 A. The Parties jointly request leave to provide this new authority to the Court in consideration of  
9 Facebook’s motion to dismiss the Second Amended Complaint (ECF No. 101) (the “Motion”)  
10 and Plaintiffs’ opposition thereto.

11 The Parties also jointly move for leave to provide the Court limited supplemental briefing  
12 on each side’s view of the Supreme Court decision as it relates to the Motion. In support thereof,  
13 the Parties make the following stipulated request:

14 WHEREAS, Plaintiffs filed their Second Amended Complaint (the “SAC”) on November  
15 30, 2015;

16 WHEREAS, Facebook moved to dismiss the SAC on January 14, 2016, and briefing has  
17 concluded;

18 WHEREAS, the Court held oral arguments on the Motion on April 28, 2016;

19 WHEREAS, the Motion cited *Spokeo*, see Motion at 9 n.7, and at the April 28, 2016 oral  
20 argument on the Motion, counsel mentioned the anticipated opinion by the Supreme Court in  
21 *Spokeo*;

22 WHEREAS, the Parties agree that in the *Spokeo* opinion, the United States Supreme Court  
23 addressed the Article III requirements for standing;

24 WHEREAS, the SAC asserts claims alleging statutory violations, among other claims; and

25 WHEREAS, the *Spokeo* opinion was issued on May 16, 2016, after the April 28, 2016 oral  
26 arguments in this case;

27 NOW, THEREFORE, based on the above stipulation and pursuant to Civil Local Rule 7-  
28 11, the Parties ask the Court to enter the attached order, which provides that:

- 1           1.     Each side may submit supplemental briefing providing its view of *Spokeo's*
- 2                     application to this case, if any.
- 3           2.     Each side may file one opening brief that shall be limited to five (5) pages each,
- 4                     and shall be ECF-filed on or before 5:00pm PDT ten (10) calendar days after an
- 5                     order granting this motion is filed on ECF.
- 6           3.     Each side may file one response brief that shall be limited to five (5) pages each,
- 7                     and shall be ECF-filed on or before 5:00pm PDT ten (10) calendar days after the
- 8                     deadline for the opening briefs.
- 9           4.     There shall be no right of further reply without prior Court approval.
- 10

11 DATED: May 18, 2016

**KAPLAN FOX & KILSHEIMER LLP**  
Laurence D. King  
David A. Straite

By:   /s/ David A. Straite  

*Interim Co-Class Counsel*

15 DATED: May 18, 2016

**SILVERMAN THOMPSON  
SLUTKIN WHITE LLC**  
Stephen G. Grygiel

By:   /s/ Stephen G. Grygiel  

*Interim Co-Class Counsel*

20 DATED: May 18, 2016

**COOLEY LLP**  
Michael G. Rhodes  
Matthew D. Brown  
Kyle C. Wong  
Adam C. Trigg

By:   /s/ Matthew D. Brown  

Attorneys for Defendant FACEBOOK,  
INC.

ECF ATTESTATION

1  
2 I, David A. Straite, am the ECF User whose ID and password are being used to file  
3 the following: **PARTIES' JOINT NOTICE OF NEW SUPREME COURT AUTHORITY**  
4 **AND STIPULATED MOTION FOR LEAVE TO SUPPLEMENT BRIEFING.** In  
5 compliance with General Order 45, X.B., I hereby attest that all signatories have concurred in this  
6 filing.

7  
8 DATED: May 18, 2016

**KAPLAN, FOX & KILSHEIMER LLP**  
LAURENCE D. KING  
DAVID A. STRAITE

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11 By: /s/ David Straite  
12 DAVID A. STRAITE  
13 *Interim Co-Class Counsel*  
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