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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: FACEBOOK INTERNET TRACKING
LITIGATION

No. 5:12-md-02314-EJD

**ORDER CONSOLIDATING
RELATED ACTIONS PURSUANT
TO RULE 42(a) AND APPOINTING
INTERIM CLASS COUNSEL
PURUANT TO RULE 23(g)**

PERRIN AIKENS DAVIS, PETERSEN
GROSS, DR. BRIAN K. LENTZ,
TOMMASINA IANNUZZI, TRACY SAURO,
JENNIFER SAURO, and LISA SABATO,
Individually and on Behalf of All Others
Similarly Situated,

Case No. 5:11-cv-04834-EJD

Related Case Nos.: 5:11-cv-04935-EJD;
5:12-cv-00370-EJD; and 5:12-cv-00807-
EJD

Plaintiffs,

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

v.

Action Filed: September 30, 2011

FACEBOOK, INC.,
a Delaware Corporation

Defendant.

1 LANA BRKIC,
2 Individually and on Behalf of All Others
3 Similarly Situated,
4
5 Plaintiff,
6
7 v.
8
9 FACEBOOK, INC., a Delaware Corporation,
10 and DOES 1-10,
11
12 Defendants.

13 JULIAN CARROLL, On Behalf of Himself and
14 All Others Similarly Situated,
15
16 Plaintiff,
17
18 v.
19
20 FACEBOOK, INC., a Delaware Corporation,
21
22 Defendant.

23 LAURA MAGUIRE, ET AL., On Behalf of
24 Himself and All Others Similarly Situated,
25
26 Plaintiff,
27
28 v.
29
30 FACEBOOK, INC.,
31
32 Defendant.

33 ALEXANDRIA PARRISH, Individually and on
34 Behalf of All Others Similarly Situated,
35
36 Plaintiff,
37
38 v.
39
40 FACEBOOK, INC., and DOES 1 Through 10,
41
42 Defendants.

43 SHARON BEATTY, Individually and on
44 Behalf of All Others Similarly Situated,
45
46 Plaintiff,
47
48 v.
49
50 FACEBOOK, INC., and DOES 1 Through 10,
51
52 Defendants.

Case No. 5:11-04935-EJD

Related Case Nos.: 5:11-cv-04834-EJD;
5:12-cv-00370-EJD; and 5:12-cv-00807-
EJD

In Re Facebook Internet Tracking
Litigation, Case No. 5:12-md-02314-EJD

Action Filed: October 5, 2011

Case No. 5:12-cv-00370-EJD

Related Case Nos.: 5:11-cv-04834-
EJD; 5:11-cv-04935-EJD; and 5:12-cv-
00807-EJD

Action Filed: January 24, 2012

Case No. 5:12-cv-00807-EJD

Related Case Nos.: 5:11-cv-04834-
EJD; 5:11-cv-04935-EJD; and
5:12-cv-00370-EJD

Action Filed: February 17, 2012

Case No. 5:12-cv-00667-EJD

In Re Facebook Internet Tracking
Litigation, Case No. 5:12-md-02314-EJD

Action Filed: October 7, 2011
Transferred February 8, 2012

Case No. 5:12-cv-00668-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 7, 2011
Transferred February 8, 2012

1 BROOKE RUTLEDGE, Individually and on
Behalf of All Others Similarly Situated,

2 Plaintiff,

3 v.

4 FACEBOOK, INC. and DOES 1 through 10,

5 Defendants.

6 MICHAEL SINGLEY, Individually and on
Behalf of All Others Similarly Situated,

7 Plaintiffs,

8 v.

9 FACEBOOK, INC.,
10 DOES 1 THROUGH 10,

11 Defendants.

12 DANA HOWARD, individually and on Behalf
of All Others Similarly Situated,

13 Plaintiffs,

14 v.

15 FACEBOOK, INC. and DOES 1 through 10,

16 Defendants.

17 JOHN GRAHAM, Individually and on
Behalf of All Others Similarly Situated,

18 Plaintiff,

19 v.

20 FACEBOOK, INC., and DOES 1 Through 10,

21 Defendants.

22 DAVID M. HOFFMAN, Individually and on
Behalf of All Others Similarly Situated,

23 Plaintiff,

24 v.

25 FACEBOOK, INC. and DOES 1 through 10,
26 Defendants.
27

Case No. 5:12-cv-00669-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 12, 2011
Transferred February 8, 2012

Case No. 5:12-cv-00670-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 5, 2011
Transferred February 08, 2012

Case No. 5:12-cv-00671-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 4, 2011 and
Transferred on February 8, 2012

Case No. 5:12-cv-00673-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 5, 2011
Transferred February 8, 2012

Case No. 5:12-cv-00674-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 7, 2011
Transferred February 8, 2012

1 JANET SEAMON, Individually and on Behalf
of All Others Similarly Situated,

2 Plaintiff,

3 v.

4 FACEBOOK, INC. and DOES 1 through 10,

5 Defendants.

6 CHANDRA L. THOMPSON, Individually and
on Behalf of All Others Similarly Situated,

7 Plaintiff,

8 v.

9 FACEBOOK, INC. and DOES 1 through 10,

10 Defendants.

11 STEPHANIE CAMPBELL, Individually and on
Behalf of All Others Similarly Situated,

12 Plaintiff,

13 v.

14 FACEBOOK, INC. and DOES 1 through 10,

15 Defendants.

16 CYNTHIA D. QUINN, Individually and on
Behalf of All Others Similarly Situated,

17 Plaintiff,

18 v.

19 FACEBOOK, INC. and DOES 1 through 10,

20 Defendants.

21 JEANNE M. WALKER, Individually and on
Behalf of All Others Similarly Situated,

22 Plaintiff,

23 v.

24 FACEBOOK, INC. and DOES 1 through 10,

25 Defendants.

Case No. 5:12-cv-00675-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 10, 2011
Transferred February 8, 2012

Case No. 5:12-cv-00676-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: September 30, 2011
Transferred February 8, 2012

Case No. 5:12-cv-00796-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: November 21, 2011
Transferred February 17, 2012

Case No. 5:12-cv-00797-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 18, 2011
Transferred February 17, 2012

Case No. 5:12-cv-00798-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 20, 2011
Transferred February 17, 2012

1 JACQUELINE BURDICK, Individually and
on Behalf of All Others Similarly Situated,

2 Plaintiff,

3 v.

4 FACEBOOK, INC. and DOES 1 through 10,

5 Defendants.

6 EDWARD STRAVATO,

7 Plaintiff,

8 v.

9 FACEBOOK, INC.; JOHN DOE 1-10,

10 Defendants.

11 MATTHEW J. VICKERY, and Other Persons
Similarly Situated,

12 Plaintiff,

13 v.

14 FACEBOOK, INC., DOES 1 thru 10,

15 Defendants.

16 PATRICK K. MALONEY, Individually and on
Behalf of All Others Similarly Situated

17 Plaintiff,

18 v.

19 FACEBOOK, INC., DOES 1 THROUGH 10,

20 Defendants.

21 JOON KHANG, Individually and On
Behalf of All Others Similarly Situated,

22 Plaintiff,

23 v.

24 FACEBOOK, INC.,

25 Defendant.

Case No. 5:12-cv-00799-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: October 25, 2011
Transferred February 17, 2012

Case No. 5:12-cv-00800-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: December 14, 2011
Transferred February 17, 2012

Case No. 5:12-cv-00801-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: November 14, 2011
Transferred February 17, 2012

Case No. 5:12-cv-00824-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: January 25, 2012
Transferred February 21, 2012

Case No. 5:12-cv-00825-EJD

In Re Facebook Internet Tracking
Litigation, No. 5:12-md-02314-EJD

Action Filed: February 1, 2012
Transferred February 21, 2012

1 **[PROPOSED] ORDER GRANTING MOTION FOR CONSOLIDATION OF RELATED**
2 **ACTIONS AND APPOINTING INTERIM LEAD COUNSEL**

3
4 WHEREAS, after full consideration of the Motion for Consolidation and For
5 Appointment of Lead Counsel and good cause appearing,

6 **IT IS HEREBY ORDERED:**

- 7 1. The motion is GRANTED.
- 8 2. The above-captioned cases are hereby consolidated for all purposes.
- 9 3. The Court requests the assistance of counsel in calling to the attention of the Clerk
10 of this Court the filing or transfer of any case that may properly be consolidated as part of the
11 Consolidated Action.
- 12 4. When a case that arises out of the same subject matter as the Consolidated Action
13 is hereinafter filed in this Court or transferred from another court, the clerk of this Court shall:
- 14 A. file a copy of this Order in the separate file for such action;
- 15 B. transmit electronically a copy of this Order to the attorneys for the parties
16 in the newly-filed or transferred case; and
- 17 C. make the appropriate entry in the Master Docket for the Consolidated
18 Action.
- 19 5. Any future cases deemed related that are subsequently filed in, or transferred to,
20 this Court shall likewise be consolidated with this Consolidated Action and will be subject to the
21 terms of this Order. This Order shall apply thereto, unless a party objects to consolidation (as
22 provided for herein), or to any provision of this Order, within ten (10) days after the date upon
23 which a copy of this Order is served on counsel for such party by filing an application for relief,
24 and this Court deems it appropriate to grant such application. Nothing in the forgoing shall be
25 construed as a waiver of Defendants' right to object to consolidation of any subsequent-filed or
26 transferred related action.
- 27 6. Counsel are instructed that this Consolidated Action will be known as *In re:*
28 *Facebook Internet Tracking Litigation*, 5:12-md-02314-EJD, and all future filings shall be made

1 under this case name and number only.

2 7. The Firms of BARTIMUS, FRICKLETON, ROBERTSON & GORNY, P.C., and
3 SIANNI & STRAITE LLP are hereby appointed Interim Co-Lead Counsel for the Putative Class.
4 Because the lawyers at Sianni & Straite LLP plan to join another firm on May 1, 2012, they are
5 hereby ordered to file a motion for substitution of counsel as soon as practical.

6 8. The Court appoints a Plaintiffs Steering Committee consisting of seven lawyers to
7 assist Interim Co-Lead Counsel: STEPHEN M. GORNY; STEPHEN G. GRYGIEL; ANDREW
8 J. LYSKOWSKI; BARRY R. EICHEN; MARK S. MANDELL; WILLIAM H. MURPHY, JR.;
9 and WILLIAM M. CUNNINGHAM, JR.

10 9. The Court appoints a Special Committee of three former state attorneys general to
11 advise Interim Co-Lead Counsel: GRANT WOODS, MIKE MOORE, and RICHARD IEYOUB.

12 10. The Court appoints a single firm as Liaison Counsel: KIESEL, BOUCHER &
13 LARSON, LLP.

14 11. Interim Co-Lead Counsel shall have the authority to speak for all Plaintiffs and
15 Class members in all matters regarding the Consolidated Action, including, but not limited to,
16 pretrial proceedings, motion practice, trial, and settlement. Co-Lead Counsel shall make all work
17 assignments in such a manner as to facilitate the orderly and efficient prosecution of this
18 litigation, and to avoid duplicative or unproductive effort. Additionally, Co-Lead Counsel shall
19 have the following responsibilities:

- 20 A. to brief and argue motions;
- 21 B. to initiate and conduct discovery, including, but not limited to, coordination
22 of discovery with Defendants' counsel, and the preparation of written
23 interrogatories, requests for admissions, and requests for production of
24 documents;
- 25 C. to direct and coordinate the examination of witnesses in depositions;
- 26 D. to act as spokesperson at pretrial conferences;
- 27 E. to call and chair meetings of Plaintiffs' counsel as appropriate or necessary
28 from time to time;

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- F. to initiate and conduct any settlement negotiations with Defendants’ counsel;
- G. to provide general coordination of the activities of Plaintiffs’ counsel and to delegate work responsibilities to selected counsel as may be required, in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
- H. to consult with and employ experts;
- I. to receive and review periodic time reports of all attorneys on behalf of Plaintiffs, to determine if the time is being spent appropriately and for the benefit of Plaintiffs, and to appropriately distribute any Plaintiffs’ attorneys’ fees that may be awarded by the Court; and
- J. to perform such other duties as may be expressly authorized by further order of this Court.

12. The following deadlines shall apply in the Consolidated Action:

- A. The Consolidated Amended Complaint shall be filed on or before the _____ day of _____, 2012.
- B. Any Motion to Dismiss shall be filed on or before the _____ day of _____, 2012.
- C. Any Response shall be filed on or before the _____ day of _____, 2012
- D. Any Reply shall be filed on or before the _____ day of _____, 2012.

SO ORDERED this _____ day of _____, 2012.

 HON. EDWARD J. DAVILA
 UNITED STATES DISTRICT JUDGE