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

IN RE: FACEBOOK, INC. INTERNET
TRACKING LITIGATION

No. 5:12-md-02314-EJD

**PLAINTIFFS' NOTICE THAT THE MOTION
TO COMPEL DISCOVERY AND
COMPLIANCE WITH THE PROTECTIVE
ORDER HAS BEEN UNDER SUBMISSION FOR
MORE THAN 120 DAYS**

Judge: The Honorable Edward J. Davila
Court Room: 4

N.D. Cal. L.R. 7-13

1 Discovery began in this case on April 11, 2014, following the Court's entry of a stipulated
2 protective order governing the exchange of confidential information ("the Protective Order"). ECF No.
3 75. On March 16, 2016, following several meet-and-confer teleconferences, plaintiffs filed a motion to
4 compel discovery and to compel defendant's compliance with the Protective Order (the "Motion to
5 Compel"). ECF No. 110. Defendant opposed the Motion to Compel on March 30, 2016. ECF No. 114.
6 Plaintiffs' Reply was filed on April 6, 2016. ECF No. 115. More than 120 days have passed since that
7 briefing concluded.

8 As discussed in more detail in the Motion to Compel, defendant has unilaterally granted itself a
9 discovery stay pending its motion to dismiss – without Court approval. Defendant has also
10 inappropriately designated more than 99% of all documents produced thus far as "highly confidential" in
11 violation of the Protective Order. That sweeping over-designation substantially limits plaintiffs' ability
12 to use those documents in depositions. In essence, defendants will not allow discovery to proceed
13 absent a court order.

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15 Plaintiffs' counsel remain prepared to re-start discovery immediately. Plaintiffs respectfully
16 request that the Court grant the Motion to Compel.

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19 **[signatures on following page]**
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1 Dated: October 17, 2016

Respectfully submitted,

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