

1 Frederic S. Fox (admitted *pro hac vice*)  
2 David A. Straite (admitted *pro hac vice*)  
3 **KAPLAN FOX & KILSHEIMER LLP**  
4 850 Third Avenue, 14th Floor  
5 New York, NY 10022  
6 Tel.: (212) 687-1980  
7 Fax: (212) 687-7714  
8 *dstraite@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*

6 Laurence D. King (206423)  
7 Mario Choi (243409)  
8 **KAPLAN FOX & KILSHEIMER LLP**  
9 350 Sansome Street, 4th Floor  
10 San Francisco, CA 94104  
11 Tel.: (415) 772-4700  
12 Fax: (415) 772-4707  
13 *lking@kaplanfox.com*

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

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

No. 5:12-md-02314-EJD

19 **DECLARATION OF DAVID A. STRAITE IN**  
20 **SUPPORT OF PLAINTIFFS'**  
21 **ADMINISTRATIVE MOTION TO FILE**  
22 **PORTIONS OF THIRD AMENDED**  
23 **CONSOLIDATED COMPLAINT UNDER**  
24 **SEAL**

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

Judge: The Honorable Edward J. Davila  
Ctrm: 4, 5th Floor  
Date: n/a  
Time: n/a

25  
26  
27  
28  
DECLARATION OF DAVID A. STRAITE IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION  
TO FILE THIRD AMENDED COMPLAINT UNDER SEAL

No. 5:12-md-02314-EJD

1 **DECLARATION OF DAVID A. STRAITE**

2 I, David A. Straite, declare as follows:

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

6 2. I submit this declaration in support of Plaintiffs’ administrative motion to file portions of  
7 the Third Amended Consolidated Class Action Complaint (the “Amended Complaint”) and certain  
8 attachments thereto under seal (the “Motion to Seal”). The following statements are based on my  
9 personal knowledge and review of the files in this case and, if called on to do so, I could and would testify  
10 competently thereto.

11 3. Plaintiffs’ Motion to Seal describes 15 documents (and any references or quotes made  
12 thereto in the Amended Complaint) sought to be sealed, which includes two categories of documents:  
13 (1) 8 documents which this Court has previously sealed in its Order Granting Plaintiffs’ Administrative  
14 Motion to File Portions of Second Amended Consolidated Complaint Under Seal [ECF No. 150], and  
15 (2) 7 additional documents produced by Facebook during discovery and designated as “Highly  
16 Confidential.”

17 4. Exhibit 1 to this declaration is a redacted public version of the Amended Complaint

18 5. Regarding the first category of documents, Plaintiffs seek to redact these materials in for  
19 identical reasons previously ruled on by this Court, and are quoted or otherwise referenced to in the  
20 following paragraphs of the Amended Complaint:

Paragraph
54 (and subparts a. – g.)
69
70
80
81 1

Paragraph
82
86
87
88
95

6. Regarding the second category of documents, Plaintiffs seek to redact material in the following paragraphs:

Paragraph	Reason for Redaction
6	Text summarizes information learned in discovery and designated by Facebook as confidential discovery material.
49 and 50	Text identifies the name of a Facebook database designated by Facebook as confidential discovery material.
68	Text summarizes information learned in discovery and designated by Facebook as confidential discovery material.
71	Text quotes from (or refers to) a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit Y.
72	Text summarizes information learned in discovery and designated by Facebook as confidential discovery material.
83	Text summarizes information learned in discovery and designated by Facebook as confidential discovery material.
84	Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit Z.
85	Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit AA.
94	Text summarizes information learned in discovery and designated by Facebook as confidential discovery material.

Paragraph	Reason for Redaction
98	Text refers to a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit FF.
99	Text summarizes information learned in discovery and designated by Facebook as confidential discovery material.
102	Text refers to a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit LL.
103 and 104	Text quotes from (or refers to) a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit GG.
105	Text quotes from (or refers to) a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit HH.
106	Text quotes from (or refers to) a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit II.
135. i.	Text summarizes information learned in discovery and designated by Facebook as confidential discovery material.

7. Exhibit 2 to this Declaration is a compilation of Exhibits *U* through *DD*, *FF* through *II*, and Exhibit *LL* to the Amended Complaint, which are documents produced by Facebook during discovery and designated “Highly Confidential” under the Stipulated Protective Order entered by Magistrate Judge Paul S. Grewal in this matter on April 11, 2014 (the “Protective Order”) [ECF No. 75], or otherwise ordered to be sealed by this Court [ECF No. 150].

8. Exhibit 3 to this Declaration is a compilation of the redacted public versions of Exhibits *U* through *DD*, *FF* through *II*, and Exhibit *LL* to the Amended Complaint.

9. Exhibit 4 to this Declaration is the full unredacted Amended Complaint. Text redacted in the public version has been highlighted in yellow in this under-seal version.

10. Plaintiffs take no position on whether the information should be sealed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 25th day of August 2017, at New York, NY.

/s/ David Straite  
David A. Straite