

# Exhibit 1

**Brown, Matthew D.**

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**From:** Gutkin, Jeff  
**Sent:** Wednesday, July 18, 2012 11:22 AM  
**To:** Chip Robertson; jimf@bflawfirm.com; dstraite@stewartslaw.com  
**Cc:** Brown, Matthew D.; Wong, Kyle  
**Subject:** Cookie MDL - Rule 26(f) conference and Proposed Schedule

Counsel:

I write to confirm and follow up on a few points we discussed during our 26(f) conference call this past Friday.

Although we discussed a possible hearing date of September 28, 2012 for our motion to dismiss, we realized that we may have a conflict on our side and may need to push the hearing until October 5, 2012. We will likely know more about that conflict after a case management conference in another matter next Wednesday, so we will circle back with you late next week to determine whether to propose September 28 or October 5 in our submission to the Court. Please let us know if October 5 does not work for you. Once the date is settled, we will prepare a stipulation and proposed order setting the date, and circulate it for your approval.

The parties also discussed the case schedule, and we've attached our proposal for your review. Note that this schedule reflects our suggestion to bifurcate discovery, which we know you wanted additional time to consider. We have also used fixed dates for the class certification briefing, which we strongly prefer, because they enable us to manage the case and our workloads in an efficient manner, without having to prepare (often needlessly) for the potential fire drill of your motion coming in sooner than expected.

With respect to discovery, Plaintiffs indicated that they had begun to prepare an ESI production proposal. While it's likely too soon for us to finalize the protocols for ESI production, particularly given that we don't yet know the volume or scope of discovery, we are fine with beginning the discussion by reviewing your draft proposal whenever it is ready. David Straite also stated that Plaintiffs had already begun drafting a protective order to govern production in the case, based on the Northern District of California's form order. Facebook is happy to review a draft of that whenever it is ready for our review. Finally, regarding the preservation of data logs in connection with this action, as we discussed, Facebook will agree to retain all cookie data logs it has today for U.S. users (not users outside the U.S.), for the entire Class Period, and will include an additional 90 days (up to December 25, 2011) after the end of the Class Period. Please let us know if you have any issues with this approach by Monday, July 23.

**Redacted**

Again, please let us know if the October 5 hearing date works on your end, in case our conflict with the September 28 can't be cleared.

Thanks all.

**Jeff Gutkin**

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