

Exhibit 4

Brown, Matthew D.

From: David Straite <dstraite@kaplanfox.com>
Sent: Wednesday, August 23, 2017 3:52 AM
To: Brown, Matthew D.
Cc: sgrygiel@mdattorney.com
Subject: RE: Facebook Internet Tracking Litig., 5:12-md-2314-EJD-NC

thanks Matt.

David A. Straite
Kaplan Fox & Kilsheimer LLP
850 Third Avenue
New York, NY 10022
Tel. +1.212.687.1980
Fax +1.212.687.7714

From: Brown, Matthew D. [mailto:BROWNMD@cooley.com]
Sent: Tuesday, August 22, 2017 9:43 PM
To: David Straite <dstraite@kaplanfox.com>
Cc: sgrygiel@mdattorney.com
Subject: RE: Facebook Internet Tracking Litig., 5:12-md-2314-EJD-NC

David,

Based on a reasonable search for historical versions of these Help Center pages during the class period, Facebook is not aware of any other versions in its possession, other than what we have already produced.

Sincerely,
Matt

From: David Straite [<mailto:dstraite@kaplanfox.com>]
Sent: Monday, August 21, 2017 4:26 PM
To: Brown, Matthew D. <BROWNMD@cooley.com>
Cc: sgrygiel@mdattorney.com
Subject: RE: Facebook Internet Tracking Litig., 5:12-md-2314-EJD-NC

Thanks Matt, we appreciate the reminder regarding the April 2016 supplemental production. As you note, several of the produced pages post-date the class period proposed in the SAC, and (perhaps inartfully), that was the point of our inquiry. We need to confirm whether older historical versions of Help Center pages might exist other than the ones already produced. In particular, if they exist, we need production of any Help Center pages that contain the language from the first sentence of the first paragraph in Exhibit A to my letter of August 14th. Can you confirm whether or not that language (or language materially similar) appeared in the Help Center prior to September 27, 2011?

As for the language in Exhibit D to my letter, we accept your representation that "based on Facebook's investigation to date, no page containing the specified language was ever part of the Help Center, nor

was that language contained on any page that linked to the Help Center" and will wait until after the complaint to explore further. Thanks.

David A. Straite
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New York, NY 10022
Tel. +1.212.687.1980
Fax +1.212.687.7714

From: Brown, Matthew D. [<mailto:BROWNMD@cooley.com>]
Sent: Monday, August 21, 2017 2:54 PM
To: David Straite <dstraite@kaplanfox.com>
Cc: Lillian Rodriguez <LRodriguez@kaplanfox.com>; sgrygiel@mdattorney.com
Subject: RE: Facebook Internet Tracking Litig., 5:12-md-2314-EJD-NC

David,

This is in response to your letter of August 14th, attached to the email below.

At the Case Management Conference on July 28th, Plaintiffs requested, and Facebook agreed to produce, historical versions of Help Center pages in Facebook's possession that existed during the class period that Plaintiffs contend they need to prepare their third amended complaint. Upon review of the exhibits attached to your letter, we were surprised to discover that the Help Center pages you are asking for have been in your possession for well over a year. In April 2016, Facebook produced historical versions of a set of Help Center pages, including those you identified in your August 14 letter. For your convenience, we have identified the Bates numbers of pages containing material portions of the text from the exhibits to your letter as they appeared in that production:

Exhibit A: FB_MDL_00064918

Exhibit B: FB_MDL_00064919, FB_MDL_00064920, FB_MDL_00064921

Exhibit C: FB_MDL_00064912, FB_MDL_00064914, FB_MDL_00064915

Note that most of these documents bear dates indicating that they did not appear during the class period. For example, FB_MDL_00064918 (Exhibit A) bears the date 2011-09-27, the day after the class period ended. Similarly, FB_MDL_00064919, FB_MDL_00064920, and FB_MDL_00064921 (Exhibit B) and FB_MDL_00064915 (Exhibit C) bear dates after the end of the class period. Any such Help Center pages that are so dated have no relevance to the two claims remaining in this case (among the other reasons we contend they have no relevance).

With respect to Exhibit D, based on Facebook's investigation to date, no page containing the specified language was ever part of the Help Center, nor was that language contained on any page that linked to the Help Center. Accordingly, it is beyond the scope of the parties' production agreement.

Sincerely,
Matt

Matthew D. Brown

Partner

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Email: brownmd@cooley.com

Bio: <http://www.cooley.com/brownmd>

From: Lillian Rodriguez [<mailto:LRodriguez@kaplanfox.com>]

Sent: Monday, August 14, 2017 12:40 PM

To: Brown, Matthew D. <BROWNMD@cooley.com>

Cc: David Straite <dstraite@kaplanfox.com>; sgrygiel@mdattorney.com

Subject: Facebook Internet Tracking Litig., 5:12-md-2314-EJD-NC

Dear Counsel,

Please see the attached letter from David Straite.

Regards,

Lillian Rodriguez

Paralegal

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