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13 FACEBOOK, INC.

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

17 In re: Facebook Internet Tracking Litigation

18 Case No. 5:12-md-02314 EJD

19 **[PROPOSED] ORDER GRANTING**
20 **DEFENDANT FACEBOOK, INC.'S MOTION**
21 **TO DISMISS PLAINTIFFS' THIRD**
22 **AMENDED CONSOLIDATED CLASS**
23 **ACTION COMPLAINT**

24 Date: November 16, 2017
25 Time: 9:00 a.m.
26 Courtroom: 4
27 Judge: Hon. Edward J. Davila
28 Trial Date: None Set

29 Defendant Facebook, Inc.'s Motion to Dismiss Plaintiffs' Third Amended Consolidated
30 Complaint was heard on November 16, 2017 at or about 9:00 a.m. in this Court. Counsel for
31 Facebook and counsel for Plaintiffs were in attendance and presented oral argument. Having
32 considered the parties' papers filed in support of and in opposition to the motion, oral argument,
33 and all other materials properly considered by the Court, and good cause having been shown, the
34 Court issues the following findings and orders.

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This Court finds as follows:

With respect to the first and second claims for relief, Plaintiffs fail to state a claim upon which relief can be granted.

Accordingly, **IT IS HEREBY ORDERED THAT:**

Facebook’s Motion to Dismiss Plaintiffs’ Third Amended Consolidated Class Action Complaint is **GRANTED**; and

Plaintiffs’ Third Amended Consolidated Class Action Complaint and all claims for relief alleged therein are hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

DATED: _____

THE HONORABLE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE