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Attorneys for Plaintiffs
17 *Laura Maguire and Christopher Simon*

18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN JOSE DIVISION

21
22 IN RE: FACEBOOK INTERNET
TRACKING LITIGATION

No: 5:12-md-02314 EJD

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24 **MOTION FOR LEAVE TO WITHDRAW
AS REPRESENTATIVE PLAINTIFF**

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28 **MOTION FOR LEAVE TO WITHDRAW
AS REPRESENTATIVE PLAINTIFF**

1 Plaintiff Laura Maguire hereby files this motion for leave to withdraw as representative
2 plaintiff, and in support thereof states as follows:

3 PROCEDURAL BACKGROUND

4 1. On February 17, 2012, Plaintiffs Laura Maguire and Christopher Simon filed the
5 action *Laura Maguire, et al. v. Facebook, Inc.*, 5:12-cv-00807 EJD.
6

7 2. On March 13, 2012, the Court issued an Order relating the *Maguire* case to several
8 similar cases that had been related and transferred to the Court by the United States Judicial Panel
9 on Multidistrict Litigation or otherwise accepted as related by the Court.

10 3. On April 3, 2012, the Court issued an Order consolidating the related cases,
11 including the *Maguire* case, in this putative class action *In re: Facebook Internet Tracking*
12 *Litigation*, 5:12-md-02314 EJD. The Court's Order also appoints interim class counsel for the
13 putative class and sets deadlines for the filing of the Consolidated Amended Complaint and
14 Answer in the consolidated action.
15

16 MEMORANDUM OF POINTS AND AUTHORITIES

17 4. Plaintiff Maguire requests leave to withdraw as representative plaintiff because she
18 no longer believes that she is capable of representing the interests of the class.

19 5. Rule 23(a)(4) of the Federal Rules of Civil Procedure requires a representative
20 plaintiff in a class action to "fairly and adequately protect the interests of the class." *See* Fed. R.
21 Civ. P. 23(a)(4).
22

23 6. Rule 21 of the Federal Rules of Civil Procedure provides that "[o]n motion or on
24 its own, the court may at any time, on just terms, add or drop a party." *See* Fed. R. Civ. P. 21.
25 Courts have routinely permitted plaintiffs to withdraw as representative plaintiffs "[t]o ensure that
26 reluctant plaintiffs do not jeopardize the interests of absent class members." *In re Currency*
27 *Conversion Fee Antitrust Litigation*, 2004 WL 2453927, *1 (S.D.N.Y. Nov. 3, 2004). *See also In*
28

1 *re Relafen Antitrust Litig.*, 218 F.R.D. 337 (D.Mass. 2003); *Krim v. PcOrder.com, Inc.*, 210
2 F.R.D. 581 (W.D.Tex. 2002).

3 7. Undersigned counsel has conferred with counsel for Facebook and has been
4 authorized to state that Facebook will not oppose this motion.

5
6 CONCLUSION

7 For the foregoing reasons, Plaintiff Laura Maguire respectfully requests that the Court
8 grant her motion for leave to withdraw as representative plaintiff.

9
10 Dated: April 16, 2012

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