

1 A P P E A R A N C E S: (CONT'D)

2
3 FOR THE PLAINTIFFS:

4 BRONSTER HOSHIBATA
5 BY: MARGERY S. BRONSTER
6 2300 PAUHI TOWER
7 1003 BISHOP STREET
8 HONOLULU, HAWAII 96813

9 KIESEL, BOUCHER & LARSON
10 BY: PAUL R. KIESEL
11 8648 WILSHIRE BOULEVARD
12 BEVERLY HILLS, CALIFORNIA
13 90211

14 WILLOUGHBY DOYLE
15 BY: CONAL DOYLE
16 433 NORTH CAMDEN DRIVE
17 SUITE 730
18 BEVERLY HILLS, CALIFORNIA
19 90210

20 SIANNI & STRAITE
21 BY: DAVID A. STRAITE
22 1201 N. ORANGE STREET
23 SUITE 740
24 WILM, DETROIT 19801

25 BARTIMUS, FRICKELTON,
 ROBERTSON & GORNY
 BY: MARY D. WINTER
 THOMAS FRICKELTON
 EDWARD D. ROBERTSON, III
 EDWARD D. ROBERTSON, JR.
 STEPHEN M. GORNY
 11150 OVERBROOK ROAD
 SUITE 200
 LEAWOOD, KANSAS 66211

 (APPEARANCES CONTINUED ON THE NEXT PAGE.)

1 A P P E A R A N C E S: (CONT'D)

2
3 FOR THE PLAINTIFFS: BERGMANIS LAW FIRM
4 BY: ANDREW S. LYSKOWSKI
5 380 W. U.S. HIGHWAY 54
6 SUITE 201
7 P.O. BOX 229
8 CAMDENTON, MISSOURI 65020

9
10 BARNES & ASSOCIATES
11 BY: JAY O. BARNES
12 RANDALL O. BARNES
13 219 E. DUNKLIN STREET
14 SUITE A
15 JEFFERSON CITY, MISSOURI
16 65101

17
18 BRYANT LAW CENTER
19 BY: MARK P. BRYANT
20 601 WASHINGTON STREET
21 P.O. BOX 1876
22 PADUCAH, KENTUCKY 42002

23
24 GOLDENBERG, HELLER,
25 ANTOGNOLI & ROWLAND
26 BY: MARK C. GOLDENBERG
27 2227 SOUTH STATE ROUTE 157
28 P.O. BOX 959
29 EDWARDSVILLE, ILLINOIS
30 62025

31
32 ELIZABETH CUNNINGHAM THOMAS
33 BY: ELIZABETH THOMAS
34 P.O. BOX 8946
35 MISSOULA, MONTANA 59807

36
37 BISHOP, LONDON & DODDS
38 BY: ALICE LONDON
39 3701 BEE CAVE ROAD
40 SUITE 200
41 AUSTIN, TEXAS 78746

42 (APPEARANCES CONTINUED ON THE NEXT PAGE.)

1 A P P E A R A N C E S: (CONT'D)

2
3 FOR THE PLAINTIFFS:

4 MANDELL, SCHWARTZ &
5 BOISCLAIR
6 BY: HEATHER BONNET-HEBERT
7 ONE PARK ROW
8 PROVIDENCE, RHODE ISLAND
9 02903

10 BRONSTER HOSHIBATA
11 BY: ROBERT M. HATCH
12 2300 PAUGHI TOWER
13 1003 BISHOP STREET
14 HONOLULU, HAWAII 96813

15 BURNS, CUNNINGHAM & MACKEY
16 BY: PETER S. MACKEY
17 WILLIAM M. CUNNINGHAM, JR.
18 50 SAINT EMANUEL STREET
19 P.O. BOX 1583
20 MOBILE, ALABAMA 36633

21 MURPHY, FALCON, KUYKENDALL,
22 RAVENELL & MURPHY
23 BY: WILLIAM H. MURPHY, JR.
24 ONE SOUTH STREET, 23RD FLOOR
25 BALTIMORE, MARYLAND 21202

 MEYER & LEONARD
 BY: HENRY A. MEYER, III
 116 E. SHERIDAN, SUITE 207
 OKLAHOMA CITY, OKLAHOMA
 73104

 LAW OFFICE OF DAVID SHELTON
 BY: DAVID SHELTON
 P.O. BOX 2541
 1223 JACKSON AVENUE E
 SUITE 202
 OXFORD, MISSISSIPPI 38655

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

1 A P P E A R A N C E S: (CONT'D)

2
3 FOR THE PLAINTIFFS:

4 EICHEN, CRUTCHLOW, ZASLOW &
5 MCELROY
6 BY: BARRY R. EICHEN
7 40 ETHEL ROAD
8 EDISON, NEW JERSEY 08817

9 KEEFE BARTELS
10 BY: STEPHEN G. GRYGIEL
11 170 MONMOUTH STREET
12 RED BANK, NEW JERSEY 07701

13 HYMEL, DAVIS & PETERSEN
14 BY: JOSEPH E. BLACKWELL
15 10602 COURSEY BOULEVARD
16 BATON ROUGE, LOUISIANA 70816

17 METZ, BAILEY & MCLOUGHLIN
18 BY: MICHAEL K. FULTZ
19 33 EAST SCHROCK ROAD
20 WESTERVILLE, OHIO 43081

21 STRONG-GARNER-BAUER
22 BY: GRANT RAHMEYER
23 415 E. CHESTNUT EXPRESSWAY
24 SPRINGFIELD, MISSOURI 65802

25 BRIAN L. CAMPBELL
 BY: BRIAN L. CAMPBELL
 P.O. BOX 189
 PEA RIDGE, ARIZONA 72751

 (APPEARANCES CONTINUED ON THE NEXT PAGE.)

1 A P P E A R A N C E S: (CONT'D)

2
3 FOR DEFENDANT FACEBOOK:

4 COOLEY, GODWARD & KRONISH
5 BY: JEFFREY GUTKIN
6 MATTHEW D. BROWN
7 101 CALIFORNIA STREET
8 5TH FLOOR
9 SAN FRANCISCO, CALIFORNIA
10 94111

1 SAN JOSE, CALIFORNIA

MARCH 30, 2012

2 P R O C E E E D I N G S

3
4 (WHEREUPON, COURT CONVENEED AND THE
5 FOLLOWING PROCEEDINGS WERE HELD:)

13:48:36 6 THE CLERK: CALLING MDL ACTION 12-2314, IN
13:48:40 7 RE: FACEBOOK INTERNET TRACKING LITIGATION.

13:48:46 8 THE COURT: WHY DON'T I START WITH
13:48:48 9 WELCOMING YOU ALL HERE. THANK YOU VERY MUCH.

13:48:50 10 I'M GLAD YOU GOT THROUGH OUR METAL
13:48:53 11 DETECTOR PROPERLY.

13:48:54 12 WE'RE NOT WAITING FOR ANYONE THAT WAS
13:48:56 13 DELAYED AT THE METAL DETECTOR I TRUST? GOOD.

13:48:59 14 WELL, WHY DON'T WE BEGIN BY HAVING YOUR
13:49:02 15 APPEARANCES, PLEASE. WHY DON'T WE DO THAT FOR THE
13:49:05 16 RECORD.

13:49:05 17 SO LET ME AGAIN WELCOME YOU TO COURT.
13:49:09 18 AND WHO IS GOING TO BE BRAVE AND GO FIRST?

13:49:13 19 MR. ROBERTSON: MAY IT PLEASE THE COURT,
13:49:15 20 CHIP ROBERTSON ON BEHALF OF THE THOMPSON
13:49:17 21 PLAINTIFFS.

13:49:17 22 THE COURT: THANK YOU.

13:49:18 23 MR. ROBERTSON: THANK YOU. GOOD
13:49:20 24 AFTERNOON.

13:49:20 25 THE COURT: GOOD AFTERNOON.

13:49:22 1
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13:49:42 9
13:49:47 10
13:49:48 11
13:49:50 12
13:49:53 13
13:49:54 14
13:49:54 15
13:49:58 16
13:49:58 17
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13:50:01 19
13:50:04 20
13:50:09 21
13:50:09 22
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MR. FRICKLETON: YOUR HONOR, JIM
FRICKLETON ALSO FOR THE THOMPSON PLAINTIFFS.

MR. STRAITE: GOOD AFTERNOON, YOUR HONOR.
DAVID STRAITE ON BEHALF OF THE DAVIS PLAINTIFFS.

MR. KIESEL: AND GOOD AFTERNOON, YOUR
HONOR. PAUL KIESEL FOR THE DAVIS PLAINTIFFS.

MR. GRYGIEL: GOOD AFTERNOON, YOUR HONOR.
STEVE GRYGIEL ON BEHALF OF THE DAVIS PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. EICHEN: GOOD AFTERNOON, YOUR HONOR.
BARRY EICHEN ON BEHALF OF THE DAVIS PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. EICHEN: THANK YOU.

MR. CUNNINGHAM: GOOD AFTERNOON, YOUR
HONOR. WILLIAM H. MURPHY, JR., ON DAVIS
PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. CUNNINGHAM: GOOD AFTERNOON, YOUR
HONOR. BILL CUNNINGHAM ON BEHALF OF PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. GORNY: GOOD AFTERNOON, YOUR HONOR.
I'M STEVE GORNY, AND I REPRESENT PLAINTIFF JOHN
GRAHAM.

THE COURT: THANK YOU. GOOD AFTERNOON.

MS. BONNET-HEBERT: GOOD AFTERNOON, YOUR

13:50:19 1
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13:50:24 3
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13:50:29 5
13:50:32 6
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13:50:40 9
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13:51:01 21
13:51:03 22
13:51:03 23
13:51:06 24
13:51:06 25

HONOR. HEATHER BONNET-HEBERT, AND I REPRESENT THE STRAVATO PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MS. WINTER: GOOD AFTERNOON, YOUR HONOR. MARY WINTER ON BEHALF OF THE THOMPSON PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. MEYER: GOOD AFTERNOON, YOUR HONOR. HANK MEYER ON BEHALF OF THE THOMPSON PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MS. BRONSTER: GOOD AFTERNOON, YOUR HONOR. MARGERY BRONSTER ON BEHALF OF THE QUINN PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. BRYANT: HELLO, YOUR HONOR. I'M MARK BRYANT ON BEHALF OF THE HOFFMAN PLAINTIFFS.

MR. DOYLE: CONAL DOYLE ON BEHALF OF LANA BRKIC.

THE COURT: GOOD AFTERNOON.

MR. ROBERTSON: GOOD AFTERNOON, YOUR HONOR. EDWARD ROBERTSON ON BEHALF OF JOHN GRAHAM.

THE COURT: THANK YOU.

MR. GOLDENBERG: GOOD AFTERNOON, YOUR HONOR. MARK GOLDENBERG ON BEHALF OF THE PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

13:51:08 1
13:51:09 2
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13:51:22 7
13:51:25 8
13:51:26 9
13:51:30 10
13:51:31 11
13:51:34 12
13:51:35 13
13:51:37 14
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13:51:39 16
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MS. LONDON: GOOD AFTERNOON, YOUR HONOR.
ALICE LONDON. I'M CURRENTLY HERE ON BEHALF OF MIKE
SINGLEY WHO HAS A MOTION TO SUBSTITUTE IN SO THAT I
WILL BE REPRESENTING JANE PEDDICORD.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. HATCH: GOOD AFTERNOON, YOUR HONOR.
ROBERT HATCH ON BEHALF OF THE QUINN PLAINTIFFS.

MR. STRAITE: GOOD AFTERNOON, YOUR HONOR.
DAVID SHELTON FROM MISSISSIPPI AND HERE FOR
PLAINTIFF QUINN.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. LYSKOWSKI: GOOD AFTERNOON, YOUR
HONOR. ANDREW LYSKOWSKI ON BEHALF OF THE THOMPSON
PLAINTIFFS.

THE COURT: GOOD AFTERNOON.

MR. BARNES: GOOD AFTERNOON, YOUR HONOR.
RANDALL BARNES ON BEHALF OF THE THOMPSON
PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. SCOTT: GOOD AFTERNOON. MICHAEL
SCOTT FOR THE PLAINTIFFS.

MR. MACKEY: PETER MACKEY AND I'M HERE
REPRESENTING PARRISH.

THE COURT: THANK YOU. GOOD AFTERNOON.

MS. THOMAS: GOOD AFTERNOON, YOUR HONOR.

13:51:53 1
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13:52:02 4
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13:52:12 9
13:52:13 10
13:52:16 11
13:52:17 12
13:52:21 13
13:52:23 14
13:52:25 15
13:52:30 16
13:52:35 17
13:52:37 18
13:52:40 19
13:52:41 20
13:52:45 21
13:52:45 22
13:52:47 23
13:52:48 24
13:52:51 25

ELIZABETH THOMAS .

MR. BARNES: GOOD AFTERNOON, YOUR HONOR.
JAY BARNES ON BEHALF OF THE THOMPSON PLAINTIFFS.

THE COURT: GOOD AFTERNOON.

MR. GODINO: MARC GODINO ON BEHALF OF THE
PLAINTIFF.

MR. TOSTRUD: JOHN TOSTRUD ON BEHALF OF
THE KHANG PLAINTIFFS.

THE COURT: THANK YOU. GOOD AFTERNOON.
WHO REPRESENTS THE DEFENSE?

MR. BROWN: IT'S FINALLY MY TURN.
MATTHEW BROWN WITH COOLEY FOR FACEBOOK.

THE COURT: THANK YOU.

MR. BROWN: AND I MIGHT ADD BEFORE WE
MAKE OUR APPEARANCE, WE ALSO HAVE SANDEEP,
S-A-N-D-E-E-P, SOLANKI, S-O-L-A-N-K-I, FOR THE
COMPANY AND HE'S NOT MAKING AN APPEARANCE.

THE COURT: THANK YOU FOR BEING HERE.

MR. GUTKIN: GOOD AFTERNOON, YOUR HONOR.
JEFF GUTKIN ALSO FROM COOLEY AND ALSO APPEARING FOR
FACEBOOK.

THE COURT: THANK YOU. GOOD AFTERNOON.

AND WE HAVE SOME APPEARANCES
TELEPHONICALLY.

DO WE HAVE ANY APPEARANCES

13:52:52 1
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13:53:06 8
13:53:07 9
13:53:13 10
13:53:15 11
13:53:16 12
13:53:17 13
13:53:19 14
13:53:22 15
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TELEPHONICALLY?

MR. RAHMEYER: GRANT RAHMEYER ON BEHALF OF PLAINTIFF STEPHANIE CAMPBELL.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. BLACKWELL: JOSEPH BLACKWELL ON BEHALF OF PLAINTIFF JANET SEAMON.

THE COURT: THANK YOU. GOOD AFTERNOON.

MR. CAMPBELL: BRIAN CAMPBELL ON BEHALF OF STEPHANIE CAMPBELL.

MR. FULTZ: MICHAEL FULTZ ON BEHALF OF PATRICK MALONEY.

THE COURT: THANK YOU. GOOD AFTERNOON EVERYONE. I THINK THAT'S EVERYONE TELEPHONICALLY.

GREAT. ARE THERE ANY -- LET ME ASK, ARE THERE ANY PRO SE PLAINTIFFS PRESENT IN THE COURTROOM? I SEE OR HEAR NO RESPONSE.

LET ME TALK JUST FOR A MOMENT ABOUT WHAT I WOULD LIKE TO ACCOMPLISH WITH ALL OF YOU AND WITH ALL OF YOUR ASSISTANCE.

WHAT I THOUGHT I WOULD DO THIS AFTERNOON IS TO TREAT THE TWO GROUPS OF CASES SEPARATELY, THAT IS, THE MDL AND THE RELATED TAG-ALONG CASES AND THE PRO SE CASES. I WANT TO TREAT THOSE SEPARATELY FOR PURPOSES OF THIS AFTERNOON.

WHAT I INTEND TO DO IS, AS IS NECESSARY,

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13:54:25 9
13:54:26 10
13:54:28 11
13:54:31 12
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WE'LL COORDINATE PROCEEDINGS BETWEEN THESE TWO GROUPS OF CASES SO AS TO, I'M SURE YOU'RE ALL INTERESTED IN TO PROMOTE EFFICIENCY FOR ALL OF YOUR CLIENTS AND THE PARTIES IN THE COURTROOM.

NOW, FIRST, FOR OUR CMC THIS AFTERNOON, WHICH IS WHAT I CONSIDER THIS TO BE, I'D LIKE TO ADDRESS THE MDL CASES AND THEN I'LL LOOK SECONDARILY TO THE PRO SE CASES AND WE'LL TALK ABOUT WHAT WE'LL DO WITH THOSE.

THE RECORD SHOULD REFLECT, HOWEVER, IT IS 1:52 IN THE AFTERNOON AND THIS MATTER WAS CALENDARED FOR 1:30. ALL PARTIES HAVE MADE THEIR APPEARANCES.

AGAIN, ARE THERE ANY PRO SE PARTIES, PLAINTIFFS PRESENT IN THE COURTROOM? I SEE OR HEAR NO RESPONSE.

THE COURT: ALL RIGHT. THANK YOU. I'D LIKE TO HANDLE THIS MDL CASE IN PERHAPS FOUR PHASES INITIALLY, AND I'D LIKE TO ARTICULATE THOSE FOR YOU.

FIRST OF ALL, I'D LIKE TO DEAL WITH THE ISSUES OF CONSOLIDATION, APPOINTMENT OF INTERIM LEAD COUNSEL FOR THE CLASS;

NEXT I'D LIKE TO MOVE TO PHASE 2, WHICH WOULD INVOLVE INITIAL CASE SCHEDULE; AND,

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WE WOULD MOVE TO PHASE 3 INVOLVING MOTION PRACTICE AND DISCOVERY;

AND THEN PHASE 4, WHICH WOULD INVOLVE PRETRIAL AND ANY TRIAL SCHEDULING ISSUES THAT ARE ATTENDANT THERETO.

NOW, THIS AFTERNOON, I WOULD LIKE TO DISCUSS THE PHASE 1, THE PHASE 1 ISSUE AND THIS IS REGARDING SPECIFICALLY THE CONSOLIDATION MOTION.

I BELIEVE THE PLAINTIFFS IN THE DAVIS CASE FILED A MOTION TO CONSOLIDATE, AND I DO HAVE THAT IN MY FILE AND I'M ASSUMING THAT ALL PARTIES HAVE RECEIVED THAT AS WELL.

LET ME ASK AT THIS TIME ARE THERE ANY OBJECTIONS TO THE MOTION REGARDING CONSOLIDATION? DOES ANYONE HAVE ANY MOTION I SHOULD HEAR FROM YOU NOW? I SEE OR HEAR NO RESPONSE.

WHAT I INTEND TO DO THEN IS TO CONSOLIDATE THE CASES AND THE ORDER THAT I WILL ISSUE INVOLVED IN THE DAVIS MOTION.

NOW, THE SECOND ISSUE I'D LIKE TO TALK ABOUT IS ONE THAT MIGHT BE OF INTEREST TO ALL OF YOU AND THAT IS THE APPOINTMENT OF AN INTERIM LEAD COUNSEL.

NOW, I BELIEVE THAT PLAINTIFFS IN THE DAVIS CASE FILED A PROPOSAL FOR THE APPOINTMENT OF

13:56:41 1 INTERIM LEAD COUNSEL AND A RELATED STRUCTURE OF
13:56:44 2 THAT PROCESS.

13:56:45 3 I THINK THERE WAS REFERENCE TO THE
13:56:50 4 PLAINTIFFS IN THE KHANG AND THAT'S AT 12-825 AND
13:56:55 5 POSSIBLY PLAINTIFFS IN 12-37, MAY NOT CONCUR IN
13:57:01 6 THAT PROCESS.

13:57:02 7 ARE THOSE PARTIES HERE?

13:57:02 8 MR. GODINO: YES, YOUR HONOR. MARC
13:57:07 9 GODINO, AND WE DO NOT OPPOSE THE LEADERSHIP
13:57:09 10 STRUCTURE.

13:57:10 11 THE COURT: OKAY. THANK YOU. ANYONE
13:57:11 12 ELSE? I'M SORRY, YOU WERE WITH WHAT CASE, SIR? I
13:57:14 13 BEG YOUR PARDON?

13:57:21 14 ANYONE SPEAKING FOR THAT?

13:57:26 15 MR. STRAITE: COUNSEL FOR CAROL, HE SAID
13:57:28 16 HE DID NOT OPPOSE THE STRUCTURE AND I SPOKE WITH
13:57:30 17 HIM AND HE SAID HE WOULD BE HERE THIS AFTERNOON,
13:57:32 18 AND I DON'T KNOW WHY HE IS NOT HERE AND -- BUT HE
13:57:36 19 AUTHORIZED US TO SAY THAT HE DID NOT OPPOSE THE
13:57:38 20 STRUCTURE.

13:57:39 21 THE COURT: CAN YOU IDENTIFY HIM?

13:57:40 22 MR. STRAITE: HIS NAME WAS CAROL.

13:57:48 23 MR. KIESEL: AND THAT WAS DAVID STRAITE.

13:57:49 24 MR. BROWN: MATTHEW BROWN FOR FACEBOOK.
13:57:52 25 WE DO NOT TAKE ANY POSITION ON STRUCTURE, BUT WE DO

13:57:56 1 SUPPORT CONSOLIDATION, HOWEVER.

13:57:58 2 THE COURT: THANK YOU FOR THAT. I
13:57:59 3 APPRECIATE THAT AND I THANK ALL OF YOU THEN.

13:58:01 4 I WILL ISSUE AN ORDER GRANTING THE RELIEF
13:58:05 5 REQUESTED AND THAT IS CONSOLIDATING THE CASES AND
13:58:08 6 YOU'LL RECEIVE THAT.

13:58:10 7 THE NEXT QUESTION THAT COMES UP IS I'D
13:58:14 8 LIKE TO TALK ABOUT THE FILING OF A CONSOLIDATED
13:58:17 9 COMPLAINT.

13:58:19 10 MR. STRAITE: YOUR HONOR, I'M SORRY TO
13:58:20 11 INTERRUPT. MAY I -- WE FILED -- YOUR HONOR, DAVID
13:58:32 12 STRAITE, COUNSEL FOR THE DAVIS PLAINTIFFS AND
13:58:34 13 PROPOSED INTERIM LEAD COUNSEL.

13:58:35 14 WE FILED THE MOTION A FEW DAYS AGO WITH
13:58:38 15 THE PROPOSED STRUCTURE, WHICH INCLUDES THREE FORMER
13:58:42 16 STATE ATTORNEYS GENERAL. WE NOW BELIEVE THAT THE
13:58:45 17 STRUCTURE IS BEST MODIFIED TO INCLUDE A FOURTH
13:58:49 18 FORMER STATE AG, AND I DON'T BELIEVE THAT YOU WILL
13:58:52 19 HAVE ANY OBJECTION FROM ANYONE IN THE ROOM IF
13:58:54 20 THAT'S OKAY WE WOULD LIKE TO MODIFY THE ORDER.

13:58:56 21 THE COURT: ALL RIGHT. DO YOU WANT TO
13:58:57 22 IDENTIFY THAT INDIVIDUAL?

13:58:59 23 MR. STRAITE: YES, PLEASE STAND.

13:59:01 24 MS. BRONSTER: I'M MARGERY BRONSTER.

13:59:04 25 THE COURT: THANK YOU.

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MS. BRONSTER: AND THAT'S SPELLED
B-R-O-N-S-T-E-R.

THE COURT: ALL RIGHT. THANK YOU. AND
IS THAT THE ONLY MODIFICATION THEN TO YOUR PROPOSED
STRUCTURE?

MS. BRONSTER: CORRECT. OF COURSE WE
HAVE THE DATES THAT WE LEFT BLANK IN THE PROPOSED
ORDER BUT OTHERWISE THE STRUCTURE IS AS WE PROPOSE.

THE COURT: AND LET ME ASK THE
REPRESENTATIVE BODY HERE, IS THERE ANY OBJECTION TO
THAT ADDITION? I SEE OR HEAR NONE. SO ALL RIGHT.
THANK YOU.

LET ME ASK ABOUT THE FILING OF A
CONSOLIDATED COMPLAINT THEN AND MAY I HAVE YOUR
THOUGHTS ON THAT?

MR. KIESEL: WE DO, YOUR HONOR. PAUL
KIESEL FOR THE DAVIS PLAINTIFFS. WE HAVE AN
AGGRESSIVE SCHEDULE AND THE LESS AGGRESSIVE
SCHEDULE. THE LESS AGGRESSIVE SCHEDULE WOULD BE IN
30 DAYS WE WOULD PROPOSE TO FILE A CONSOLIDATED
COMPLAINT AND THAT WOULD BE AN APRIL 27TH DATE FOR
THE FILING OF THAT.

IF THE COURT WANTED TO GO ON A LESS
AGGRESSIVE SCHEDULE WE COULD DO MAY 29TH. I THINK
OUR PREFERENCE WOULD BE TO DO AN EARLIER SCHEDULE.

14:00:07 1 SO IF YOU ASKED WHEN WE COULD DO IT, WE COULD HAVE
14:00:10 2 IT DONE WITHIN 30 DAYS, YOUR HONOR.

14:00:12 3 THE COURT: I SEE. ALL RIGHT. THANK
14:00:14 4 YOU.

14:00:15 5 MR. BROWN: MATTHEW BROWN FOR FACEBOOK.
14:00:21 6 SO THAT COMES AS A LITTLE BIT OF A SURPRISE TO ME
14:00:23 7 BECAUSE WE HAD MET AND CONFERRED IN THE COURSE OF
14:00:26 8 PREPARING THE JOINT CASE MANAGEMENT STATEMENT AND I
14:00:28 9 THOUGHT THAT THE POSITION THAT THE PARTIES HAD ALL
14:00:31 10 UNIFORMLY COME TO IS THAT THE PROPOSAL WOULD BE
14:00:35 11 60 DAYS FROM THE DATE OF THE APPOINTMENT OF INTERIM
14:00:37 12 LEAD COUNSEL WOULD BE THE DEADLINE FOR THE FILING
14:00:40 13 OF THE CONSOLIDATED COMPLAINT AND THEN THERE WOULD
14:00:43 14 BE A 60-DAY PERIOD FOR FACEBOOK TO FILE ITS
14:00:46 15 RESPONSE TO THE COMPLAINT AFTER THAT.

14:00:48 16 THE COURT: AND YOU SHOULD ASK YOUR
14:00:50 17 COLLEAGUE OPPOSITE ABOUT THAT.

14:00:52 18 MR. KIESEL: YOUR HONOR, PAUL KIESEL.
14:00:55 19 THE 60 DAYS WAS MORE -- IT SEEMED LIKE IT COULD BE
14:00:58 20 DONE MUCH SOONER THAN 60 DAYS TO GET OUR
14:01:01 21 CONSOLIDATED COMPLAINT ON FILE. WE CERTAINLY
14:01:03 22 DIDN'T WANT TO TAKE MORE TIME FROM YOU TO RESPOND
14:01:06 23 TO IT THOUGH WE FELT WE COULD GET IT DONE FASTER,
14:01:09 24 THOUGH WE'RE HAPPY TO TAKE 60 DAYS. I THOUGHT WE
14:01:12 25 COULD GET IT DONE SOONER, THAT'S ALL.

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THE COURT: WAS THERE ANY OBJECTION TO THE ACCELERATED SCHEDULE?

MR. BROWN: NO. IF THEY FEEL LIKE THEY CAN GET IT ON FILE WITHIN 30 DAYS, AS LONG AS WE CAN STILL HAVE THE 60 DAYS TO FILE THE RESPONSE, THAT WOULD BE ACCEPTABLE TO US.

THE COURT: IS THERE ANY OBJECTION TO THE 60-DAY RESPONSIVE TIME?

MR. STRAITE: WE WOULD OBJECT TO THAT. WE DISCUSSED WITH COUNSEL FOR FACEBOOK WHAT THE SCHEDULE WOULD BE AND THE 60 DAYS WAS CONTEMPLATED AS THE OUTSIDE LIMIT AND YOU'LL SEE THAT'S IN THE JOINT CMC STATEMENT. THERE'S NOTHING WRONG WITH THE 60 DAYS FOR EACH SIDE.

HOWEVER, IF WE WERE TO BE HELD TO OR A MORE AGGRESSIVE SCHEDULE, WHICH WE HAVE NO PROBLEM WITH, THAT WOULD IMPLY THAT THEY WOULD HAVE TO FILE THEIR RESPONSE IN 30 DAYS AS WELL. IT WOULD BE IMPROPER FOR US TO FILE THE AMENDED COMPLAINT WITHIN 30 DAYS BUT THEN THEY WOULD HAVE TO HAVE 60 DAYS TO FILE THEIR MOTION TO DISMISS.

MR. BROWN: THIS IS OBVIOUSLY UP TO YOU, YOUR HONOR. I WAS A LITTLE BIT TAKEN BY SURPRISE SINCE WE HAD A SPECIFIC CONVERSATION ABOUT THIS AND THE LANGUAGE IN THE JOINT CASE MANAGEMENT STATEMENT

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WAS DISCUSSED AND REVISED AND THAT'S WHAT I THOUGHT WE AGREED TO, BUT IT'S OBVIOUSLY UP TO YOU, YOUR HONOR.

THE COURT: OKAY. WELL, THANK YOU VERY MUCH. I APPRECIATE THE FACT THAT YOU'RE PREPARED TO FILE THIS COMPLAINT WITHIN 30 DAYS, AND I ALSO APPRECIATE THE FACT THAT YOU WOULD LIKE YOUR COLLEAGUE OPPOSITES TO RESPOND IN THE SAME TIME PERIOD. I'D LIKE TO GET THIS CASE STARTED OFF SO WE HAVE EVERYTHING WE NEED AT LEAST AS BEST AS POSSIBLE IN THE INITIAL PLEADINGS.

SO I'M INCLINED TO ALLOW THE 60-DAY FILING. HOWEVER, YOU CAN FILE YOURS SOONER. YOU CAN FILE THIS CONSOLIDATED SOONER.

MR. STRAITE: YES, YOUR HONOR, WE CAN IN THE SENSE THAT WE'RE ABLE TO.

IS IT THE COURT'S PREFERENCE THAT WE FILE IT SOONER? IF WE HAVE A 60-DAY SCHEDULE, WE WOULD PROBABLY FILE ON OR ABOUT THE 60TH DAY TO MAKE SURE THAT WE HAVE THE MOST COMPLETE COMPLAINT THAT WE CAN.

THE COURT: ANYTHING ELSE FROM THE DEFENSE ABOUT THIS?

MR. BROWN: NO, YOUR HONOR.

THE COURT: ALL RIGHT. SO THANK YOU VERY

14:03:37 1 MUCH. WELL, I WOULD LIKE YOU TO FILE THIS
14:03:38 2 CONSOLIDATED COMPLAINT WITHIN 45 DAYS. YOU KNEW
14:03:43 3 THAT WAS COMING, DIDN'T YOU?

14:03:44 4 MR. KIESEL: YEAH.

14:03:58 5 THE COURT: AND THERE WILL BE A 45-DAY
14:04:00 6 OPPORTUNITY TO RESPOND.

14:04:01 7 AND WHAT I WILL DO NEXT IS I WILL ISSUE
14:04:03 8 AN ORDER THAT HAS ANOTHER CMC SCHEDULE WHERE WE'LL
14:04:06 9 TAKE UP THE PHASE 2 ISSUES THAT I TALKED ABOUT,
14:04:09 10 WHICH WOULD INCLUDE THE INITIAL CASE SCHEDULING AND
14:04:14 11 THOSE ISSUES ATTENDANT.

14:04:18 12 BEFORE ANYONE LEAVES, I DO WANT TO TAKE
14:04:21 13 UP THE PRO SE CASES BECAUSE I THINK THAT HAS SOME
14:04:23 14 IMPACT ON WHAT ALL OF YOU ARE DOING AS WELL.

14:04:26 15 AGAIN, LET ME ASK, ARE THERE ANY PRO SE
14:04:29 16 INDIVIDUALS PRESENT IN THIS LITIGATION IN THE
14:04:35 17 COURTROOM? I SEE OR HEAR NO RESPONSE. IT'S NOW
14:04:38 18 TWO MINUTES AFTER 2:00 AND THIS IS THE 1:30 CALLING
14:04:41 19 OF THIS CALENDAR.

14:04:42 20 COUNSEL, DO YOU WISH TO BE HEARD?

14:04:44 21 MR. BROWN: WELL, ON THE PRO SE CASES, I
14:04:51 22 THINK ONE OF THE ISSUES THAT WAS TEED UP IN THE
14:04:53 23 CASE MANAGEMENT STATEMENT THAT WE FILED WAS JUST A
14:04:55 24 TIMING OF THE RESPONSE TO THE VARIOUS COMPLAINTS.

14:04:57 25 I GUESS WHAT I WOULD PROPOSE IS THAT WE

14:05:03 1 BE ALLOWED TO FILE ONE RESPONSE TO ALL OF THE PRO
14:05:12 2 SE COMPLAINTS, ALL OF THE OPERATIVE COMPLAINTS.

14:05:16 3 AND IT SEEMS TO ME WHAT PROBABLY MAKES
14:05:18 4 SENSE, AND I'LL BE HAPPY TO EXPLAIN MY THINKING
14:05:21 5 MORE ON THIS, BUT IT SEEMS TO ME TO MAKE MORE SENSE
14:05:24 6 IF WE FILE A RESPONSE TO THE CONSOLIDATED MDL
14:05:28 7 COMPLAINT FIRST AND THEN HAVE OUR RESPONSE TO THE
14:05:30 8 PRO SE COMPLAINTS JUST TRAIL THAT BY A LITTLE BIT,
14:05:34 9 WHETHER IT'S TWO WEEKS OR SOMETHING LIKE THAT. I
14:05:37 10 JUST -- IT SEEMS TO ME TO KIND OF MAKE LOGICAL
14:05:40 11 SENSE AND FROM AN EFFICIENCY STANDPOINT MAKE THE
14:05:43 12 MOST SENSE.

14:05:44 13 THE COURT: THANK YOU FOR THAT. I SHOULD
14:05:46 14 OBSERVE THAT ONE OF THE PRO SE CASES WAS PREVIOUSLY
14:05:49 15 VENUED WITH MY COLLEAGUE IN SAN FRANCISCO, JUDGE
14:05:52 16 WHITE, AND HE HAD ISSUED AN ORDER. I DON'T HAVE
14:05:57 17 THE NAME OF THAT PERSON IN FRONT OF ME JUST NOW.

14:05:59 18 HE HAD ISSUED AN ORDER WHEN THE CASE WAS
14:06:01 19 IN FRONT OF HIM ORDERING THAT PLAINTIFF TO FILE
14:06:05 20 PLEADINGS BY A DATE CERTAIN AND IN ABSENCE OF THAT
14:06:08 21 HE INDICATED IN HIS ORDER THAT HE WAS GOING TO
14:06:11 22 DISMISS THAT COMPLAINT.

14:06:13 23 THE MATTER WAS TRANSFERRED TO ME
14:06:16 24 YESTERDAY I BELIEVE IT WAS. I FILED AND SIGNED THE
14:06:20 25 ORDER DISMISSING THE COMPLAINT FOR LACK OF

14:06:21 1 COMPLIANCE WITH JUDGE WHITE'S ORDER.

14:06:23 2 NOW, AS TO THE BALANCE OF THE PRO SE IN
14:06:26 3 THIS MATTER, WHAT I INTEND TO DO, WHEN I LOOK AT
14:06:31 4 THE FILES HERE, IT SEEMS THAT THE PLAINTIFFS, PRO
14:06:34 5 SE PLAINTIFFS HAVE FAILED TO FILE CASE MANAGEMENT
14:06:36 6 CONFERENCE STATEMENTS AS REQUIRED BY LOCAL RULES.

14:06:41 7 I ALSO NOTE TODAY THAT THEY FAILED TO
14:06:43 8 APPEAR. NONE OF THEM HAVE APPEARED THIS AFTERNOON.

14:06:46 9 SO WHAT I INTEND TO DO AS TO THOSE
14:06:48 10 INDIVIDUALS IS TO ISSUE AN OSC IN RE: DISMISSAL FOR
14:06:52 11 FAILURE TO PROSECUTE ALL OF THOSE CASES IN WHICH
14:06:55 12 THE PLAINTIFFS HAVE FAILED TO APPEAR AND THEN WE'LL
14:06:57 13 SET THOSE DATES AND SEND THOSE NOTICES OUT
14:07:00 14 ACCORDINGLY AND YOU, OF COURSE, WILL BE NOTIFIED
14:07:04 15 ABOUT THOSE AS WELL.

14:07:05 16 THAT'S ALL I CAN DO WITH THOSE CASES
14:07:07 17 TODAY. AS I SAID, I TOOK THAT ACTION ON THE OTHER
14:07:10 18 CASE -- AND, I'M SORRY, I DON'T HAVE THE NAME IN
14:07:12 19 FRONT OF ME.

14:07:15 20 MR. BROWN: I BELIEVE THAT WAS MCCLINTON.

14:07:17 21 THE COURT: YES. SO THAT'S HOW I INTEND
14:07:19 22 TO PROCEED AS TO THOSE CASES. WE'LL SEE WHAT
14:07:22 23 DEVELOPS AND WHETHER OR NOT, FIRST OF ALL, IF THERE
14:07:25 24 ARE APPEARANCES, AND IF THERE ARE APPEARANCES, WHAT
14:07:28 25 THOSE PARTIES INTEND TO DO IN RESPONSE TO THEIR

14:07:31 1 LAWSUITS AND WE'LL TAKE ACTION ACCORDINGLY.

14:07:34 2 MR. BROWN: OKAY.

14:07:34 3 THE COURT: OKAY.

14:07:35 4 MR. BROWN: SO AT THIS TIME IS IT FAIR TO
14:07:37 5 SAY -- I THINK IT'S FAIR TO SAY THAT WE HAVE A
14:07:40 6 NUMBER OF DEADLINES IN THOSE CASES, MAYBE ALL CASES
14:07:42 7 NOW EXCEPT FOR ONE THAT HAVE BEEN EXTENDED OUT TO
14:07:45 8 APRIL 30TH, IF I'M RECALLING CORRECTLY FOR THE
14:07:48 9 RESPONSE DEADLINE.

14:07:49 10 DOES THAT RESPONSE DEADLINE AT THIS
14:07:52 11 POINT, IS THAT -- DOES THAT STAND? IS IT VACATED?

14:07:54 12 THE COURT: YOUR RESPONSE DEADLINE?

14:07:56 13 MR. BROWN: YES.

14:07:57 14 THE COURT: RIGHT. WELL, I'M GOING TO
14:07:59 15 SET OSC'S SHORTLY, AND I DON'T KNOW THE TIME
14:08:02 16 REQUIRED JUST YET. I BELIEVE IT WILL BE PROBABLY
14:08:04 17 IN A COUPLE OF WEEKS BEFORE YOUR RESPONSE DEADLINE
14:08:07 18 I THINK IS WHAT I WOULD LIKE TO DO.

14:08:08 19 BUT I'M NOT GOING TO REQUIRE THAT YOU
14:08:10 20 RESPOND TO ANY OF THOSE COMPLAINTS.

14:08:12 21 MR. BROWN: OKAY. YEAH, IT'S MY
14:08:15 22 PRAGMATIC CONCERN THAT EVEN IF THE OSC GETS SET
14:08:19 23 EVEN 14 DAYS FROM NOW, THEN WE'RE GETTING ABOUT
14:08:22 24 14 DAYS OUT FROM OUR RESPONSE DEADLINE AND YOU
14:08:24 25 ALMOST HAVE TO START WORKING ON THEM AT THAT POINT,

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AND IT SEEMS LIKE IT COULD BE A WASTED EFFORT IF
PEOPLE ARE NOT GOING TO BE MAKING APPEARANCES IN
RESPONSE TO THE OSC.

THE COURT: I AGREE. WHAT YOU'LL GET IS
AN INDICATION THAT THE COURT IS NOT GOING TO HOLD
YOU TO THAT STAY AND RESPONSE TIME PENDING ANY
FURTHER ACTION. SO YOU WON'T BE REQUIRED TO
RESPOND TO THIS PURSUANT TO ANY OTHER PREVIOUS
ORDER THAT IS MADE.

MR. BROWN: GOT IT.

THE COURT: OKAY. ALL RIGHT.

MR. ROBERTSON: JUDGE, MAY I ASK FOR A
CLARIFICATION? AND I'M SORRY TO INTERRUPT?

THE COURT: YES. NO, NOT AT ALL.

MR. ROBERTSON: TO BE SURE THAT WE'RE ON
THE SAME PAGE, IF WE WERE TO FILE OUR ANSWER OR
PETITION OR COMPLAINT WITHIN 30 DAYS, IS THE
45 DAYS RUNNING FROM THE FILING OF THE FACEBOOK OR
DOES IT RUN 90 DAYS FROM TODAY?

THE COURT: THAT'S A VERY GOOD QUESTION.
I INDICATED IT WAS GOING TO BE A 45-DAY PERIOD OF
TIME FROM THE DATE OF FILE, THEY WOULD HAVE 45 DAYS
TO RESPOND. SO YOU HAVE 45 DAYS TO FILE AND THEY
HAVE 45 DAYS TO RESPOND TO THAT.

MR. ROBERTSON: BUT IF WE FILE ON THE

14:09:25 1 30TH, DOES THE 45 DAYS BEGIN RUNNING ON THE DAY WE
14:09:28 2 FILE OR DOES IT RUN 90 DAYS, IF YOU WILL, FROM THE
14:09:31 3 DAY YOU ENTER THE ORDER?

14:09:33 4 MR. BROWN: THIS IS AN ISSUE ABOUT A HARD
14:09:35 5 DEADLINE VERSUS A SOFT DEADLINE. OBVIOUSLY WE
14:09:38 6 WOULD PREFER A HARD DEADLINE BECAUSE IT REDUCES
14:09:41 7 SURPRISE AND ALLOWS US TO PLAN.

14:09:42 8 THE COURT: I THINK WE SHOULD START WITH
14:09:44 9 HARD DEADLINES.

14:09:45 10 MR. ROBERTSON: SO I JUST WANTED TO BE
14:09:47 11 SURE.

14:09:47 12 THE COURT: YES, THANK YOU FOR ASKING. I
14:09:49 13 APPRECIATE THE CLARIFICATION.

14:09:50 14 ANYTHING ELSE?

14:09:52 15 MR. KIESEL: YOUR HONOR, PAUL KIESEL.
14:09:54 16 JUST A COUPLE OF ADMINISTRATIVE MATTERS. IF THE
14:09:56 17 COURT WANTS, AS INTERIM LIAISON COUNSEL FOR THE PRO
14:10:00 18 SE PLAINTIFFS, I'M HAPPY TO TAKE ON THE LABORING
14:10:03 19 OAR OF COMMUNICATING WITH THEM, HOWEVER, IF THE
14:10:04 20 COURT DOES WANT US TO SERVE IN THAT CAPACITY.

14:10:06 21 THE COURT: THANK YOU. I APPRECIATE THAT
14:10:07 22 OFFER. WE HAVE, I THINK, ADDRESSES FOR FOLKS THAT
14:10:10 23 HAVE FILED WITH THE COURT AND THAT'S, OF COURSE,
14:10:12 24 THE ONLY MEANS OF COMMUNICATION THAT WE HAVE.

14:10:16 25 SO ARE YOU -- YOU'RE SUGGESTING IN

14:10:20 1 ADVANCE THAT YOU WOULD FORWARD TO THOSE PLAINTIFFS
14:10:22 2 THAT YOU HAVE KNOWLEDGE OF THE COURT'S ORDERS IN
14:10:24 3 THIS REGARD?

14:10:25 4 MR. KIESEL: THAT'S CORRECT. IN OTHER
14:10:26 5 WORDS, I DON'T HAVE THE ADDRESSES BUT IF THE COURT
14:10:28 6 WANTS TO PROVIDE THOSE ADDRESSES TO ME AND MY
14:10:30 7 OFFICE WILL TAKE ON THE RESPONSIBILITY OF AT LEAST
14:10:33 8 REACHING OUT ON PAPER, IF YOU SERVE IT UPON US, WE
14:10:36 9 WILL SERVE IT UPON THE PRO SE PLAINTIFFS TO MAKE
14:10:38 10 SURE THEY'RE AWARE OF WHAT THE COURT'S ACTIONS ARE.

14:10:41 11 THE COURT: WE'LL DO THAT. THE CLERK'S
14:10:44 12 OFFICE, I'LL HAVE THEM SEND IT TO THEM ALSO, BUT I
14:10:46 13 APPRECIATE THE ADDITIONAL EFFORTS.

14:10:48 14 MR. KIESEL: GREAT. THEN THE OTHER PIECE
14:10:50 15 OF IT IS THAT THERE ARE 16 FIRMS IN THIS CASE, OR
14:10:52 16 16 FIRMS THAT DO NOT HAVE CURRENT ACCESS TO ECF,
14:10:56 17 THAT ARE NOT HAVING ACCESS TO ECF. SO AS I'M
14:10:59 18 SERVING NOTICE, I HAVE TO SEPARATELY SERVE 15 FIRMS
14:11:03 19 THAT ARE NOT ON THE SYSTEM.

14:11:05 20 SO IF THE COURT MIGHT CONSIDER AN ORDER
14:11:07 21 THAT SAYS ANY CASES CURRENTLY IN THIS COURT IN THE
14:11:09 22 MDL MUST COMPLY WITH THE ECF SYSTEM AND TAG-ALONG
14:11:13 23 SUBSEQUENT ACTIONS HAVE TO BE ON THE ECF, IT WILL
14:11:16 24 MAKE SERVICE THAT MUCH EASIER FOR ALL OF US.

14:11:19 25 THE COURT: I THINK THAT'S AN APPROPRIATE

14:11:20 1 ORDER TO MAKE IN THIS TYPE OF CASE. I'D LIKE TO
14:11:22 2 START OFF WITH EVERYBODY HAVING SUFFICIENT NOTICE
14:11:24 3 ON THAT KIND OF THING. SO THANK YOU FOR THAT
14:11:27 4 SUGGESTION.

14:11:28 5 MR. KIESEL: THANK YOU, YOUR HONOR.

14:11:30 6 THE COURT: ANYONE ELSE WISH TO BE HEARD?

14:11:34 7 MR. STRAITE: ONE MORE THING, YOUR HONOR.
14:11:37 8 AGAIN, DAVID STRAITE FOR THE RECORD. YOU KNOW,
14:11:41 9 SIANNI & STRAITE, ONE OF THE PROPOSED INTERIM
14:11:43 10 CO-LEAD FIRMS, IS PLANNING TO MERGE WITH ANOTHER
14:11:46 11 FIRM ON OR ABOUT MAY 1ST, AND IN THE ORDER WE
14:11:48 12 PROPOSE TO FILE A MOTION FOR SUBSTITUTION OF
14:11:50 13 COUNSEL AS SOON AS PRACTICAL THEREAFTER, AND I JUST
14:11:54 14 WANT TO CONFIRM THAT THAT'S AN OKAY SCHEDULE.

14:11:56 15 THE COURT: YES, I SAW THAT IN THE
14:11:57 16 PLEADINGS AND THAT'S FINE. THANK YOU. I
14:11:59 17 APPRECIATE THAT.

14:12:00 18 MR. STRAITE: OKAY.

14:12:01 19 THE COURT: AND LET ME ASK YOU, GOING
14:12:03 20 BACK TO THE SINGLEY CASE FOR JUST A MOMENT, THERE
14:12:06 21 WAS A MOTION, I THINK, TO SUBSTITUTE A PARTY.
14:12:09 22 LET'S TALK ABOUT THAT FOR JUST A MOMENT.

14:12:19 23 MS. LONDON: JUDGE, WE FILED A MOTION IN
14:12:21 24 THE DISTRICT COURT BEFORE THIS CASE GOT TRANSFERRED
14:12:23 25 OVER. ALICE LONDON.

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AND FOR REASONS I'M NOT QUITE CLEAR ON,
THE MOTION WAS NOT TRANSFERRED TO YOUR COURT. SO
WE REFILED IT IN YOUR COURT AT THE REQUEST OF YOUR
CLERK.

AND WE'RE SEEKING TO REPLACE THE NAMED
PLAINTIFF FROM TEXAS WITH A NEW NAMED PLAINTIFF.

THE COURT: HAVE YOU MET AND CONFERRED
WITH THE PARTIES TO SEE IF ANYONE HAS OBJECTION TO
THAT?

MS. LONDON: WELL, WE -- IN THE TEXAS
LAWSUIT WE DID NOT EXECUTE SERVICE BECAUSE WE KNEW
WE HAD A PLAN FOR WITHDRAWING, AND SO I WAS HOPING
TO GET THAT RESOLVED BEFORE WE DID SERVICE BUT,
YES, I HAD A PHONE CALL WITH SOMEONE PURPORTING TO
REPRESENT FACEBOOK WHO TOLD ME THAT THEY DID NOT
SEE A PROBLEM CHANGING OUT THE PLAINTIFF.

THE COURT: DO YOU WANT TO BE HEARD AS TO
THAT THIS AFTERNOON, COUNSEL?

MR. BROWN: WE WON'T TAKE ANY POSITION ON
THAT ISSUE.

THE COURT: AND YOU FILED THE MOTION?

MS. LONDON: YES, I DID.

THE COURT: I'M SORRY. DO YOU HAVE A
MOTION DATE THAT WAS SUPPLIED?

MS. LONDON: THE MOTION -- THIS SAYS

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FILED MARCH 27H.

THE COURT: I SEE. I SEE.

IS THERE ANY OBJECTION TO THE COURT
GRANTING THE RELIEF REQUESTED FOR A NEW PARTY?

LET ME PUT IT THIS WAY, IF ANYONE HAS AN
OBJECTION, NOW IS THE TIME TO BE HEARD. AND I HEAR
NO ONE OBJECTING TO THIS. SO IF YOU WANT TO
PREPARE AN ORDER AND SUBSTITUTING THE PARTY.

OH, IS THAT WHAT YOU HAVE?

MS. LONDON: AND, YES, AND I ALSO FILED
THE PROPOSED ORDER AND -- BUT I HAVE ONE.

THE COURT: THAT'S GREAT.

(PAUSE IN PROCEEDINGS.)

THE COURT: ALL RIGHT. THANK YOU FOR
THIS AFTERNOON.

ANYTHING ELSE THIS AFTERNOON?

ALL RIGHT. WELL, THANK YOU VERY MUCH. I
APPRECIATE EVERYONE BEING HERE, AND I LOOK FORWARD
TO WORKING WITH EVERYONE IN THIS CASE.

(WHEREUPON, THE PROCEEDINGS IN THIS
MATTER WERE CONCLUDED.)

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CERTIFICATE OF REPORTER

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I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

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THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

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/s/

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IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074

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DATED: APRIL 23, 2012