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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

In re: Facebook Internet Tracking Litigation

Case No. 12-md-02314 EJD

**DECLARATION OF JEFFREY M. GUTKIN
 IN SUPPORT OF STIPULATION AND
 [PROPOSED] ORDER CONCERNING
 BRIEFING SCHEDULE AND PAGE LIMITS
 FOR FACEBOOK’S MOTION TO DISMISS
 (Civ. L.R. 6-2 & 7-4(b))**

JUDGE: Edward J. Davila
COURTROOM: 4
TRIAL DATE: Not Yet Set

I, Jeffrey M. Gutkin, declare as follows:

1. I am an attorney licensed to practice law in the state of California and a partner of the law firm of Cooley LLP, counsel of record for defendant Facebook, Inc. (“Facebook”). I have personal knowledge of the facts below and could and would testify competently to them if called as a witness. I submit this declaration in support of the Parties’ “Stipulation and [Proposed] Order Concerning Briefing Schedule and Page Limits for Facebook’s Motion to Dismiss,” filed concurrently herewith.

1 2. On February 8, 2012, the Panel on Multidistrict Litigation issued an order
2 transferring actions filed across the United States to this Court under the caption above for
3 coordinated or consolidated proceedings pursuant to 28 U.S.C. § 1407.

4 3. On April 3, 2012, the Court ordered that Plaintiffs file a consolidated amended
5 complaint no later than 45 days from the date upon which the order was filed, which was May 18,
6 2012.

7 4. The Court also ordered that Facebook's answer or responsive motion be filed no
8 later than 90 days from the date upon which the order was filed, which is July 2, 2012.

9 5. Plaintiffs filed their First Amended Consolidated Class Action Complaint on May
10 17, 2012 and their Corrected First Amended Consolidated Class Action Complaint ("Complaint")
11 on May 23, 2012.

12 6. The 43-page Complaint alleges 11 causes of action against Facebook.

13 7. Facebook anticipates filing a motion to dismiss the Complaint (the "Motion") on
14 July 2, 2012.

15 8. Pursuant to Civil Local Rule 7-3, the deadline for Plaintiffs to file their opposition
16 to the Motion would be July 16, 2012, and the deadline for Facebook to file its reply in support of
17 the Motion would be July 23, 2012.

18 9. I contacted the Court's Calendar Clerk on May 31, 2012 and was informed the
19 earliest hearing date available for the Motion, at the time that I called, was September 14, 2012.

20 10. There have been no previous modifications to deadlines since the Court ordered
21 consolidation of the actions, whether by stipulation or Court order, nor has either Party requested
22 such a modification.

23 11. Altering the briefing schedule on the Motion will not affect the date or deadline of
24 any event or deadline already affixed by the Court.

25 12. Facebook believes (and I am informed and believe that Plaintiffs believe) that a
26 modest extension of the briefing schedule and page limits provided by Civil Local Rules 7-2
27 through 7-4 is reasonable in light of the nature of the case and the Complaint, and will provide the
28 Court with more thorough and useful briefing on the issues.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on June 6, 2012 in San Francisco, California.

/s/ Jeffrey M. Gutkin
JEFFREY M. GUTKIN

PROOF OF SERVICE
(FRCP 5)

I hereby certify that on June 6, 2012, I filed the foregoing document with the Clerk of Court using the CM/ECF system:

Declaration of Jeffrey M. Gutkin in Support of Stipulation and [Proposed] Order Concerning Briefing Schedule and Page Limits for Facebook's Motion to Dismiss (Civ. L.R. 6-2 & 7-4(B))

This document was served on all counsel who are deemed to have consented to electronic service via the CM/ECF system in this action.

This document and the notice of electronic filing were also served via U.S. Mail on the following parties:

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This document and the notice of electronic filing were not served on Tracie Skiles because no current mailing address or email address is available.

Executed on June 6, 2012, at Seattle, Washington.



Kristi Peterson

2630559/ST