

EXHIBIT A

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael G. Rhodes (116127) Matthew D. Brown (196972) Jeffrey M. Gutkin (216083) COOLEY LLP 101 California Street, 5th Floor San Francisco, CA 94111-5800 TELEPHONE NO.: (415) 693-2000 FAX NO. (Optional): (415) 693-2222 E-MAIL ADDRESS (Optional): mbrown@cooley.com ATTORNEY FOR (Name): Defendant FACEBOOK, INC.</p>	<p style="text-align: center;">FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 N. First St. MAILING ADDRESS: As Above CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Downtown Superior Court</p>	
<p>PLAINTIFF/PETITIONER: RYAN UNG, CHI CHENG, and ALICE ROSEN, on Behalf of Themselves and All Others Similarly Situated DEFENDANT/RESPONDENT: FACEBOOK, INC.</p>	<p>CASE NUMBER: 112-cv-217244</p>
<p style="text-align: center;">NOTICE OF RELATED CASES</p>	<p>JUDICIAL OFFICER: The Hon. Patricia Lucas</p>
	<p>DEPT.: 2</p>

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: **See Attachment A Referencing All Related Cases**
 - b. Case number
 - c. Court: same as above
 other state or federal court (name and address):
 - d. Department:
 - e. Case type: limited civil unlimited civil probate family law other (specify):
 - f. Filing date:
 - g. Has this case been designated or determined as "complex?" Yes No
 - h. Relationship of this case to the case referenced above (check all that apply):
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment 1h
 - i. Status of case:
 - pending
 - dismissed with without prejudice
 - disposed of by judgment
2. a. Title: **See Attachment A Referencing All Related Cases**
 - b. Case number:
 - c. Court: same as above
 other state or federal court (name and address):
 - d. Department:

PLAINTIFF/PETITIONER: Ung, et al. DEFENDANT/RESPONDENT: Facebook, Inc.	CASE NUMBER: 112-cv-217244
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2. (continued)

e. Case type: limited civil unlimited civil probate family law other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" Yes No

h. Relationship of this case to the case referenced above (check all that apply):

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment 2h

i. Status of case:

- pending
- dismissed with without prejudice
- disposed of by judgment

3. a. Title: **See Attachment A Referencing All Related Cases**

b. Case number:

c. Court: same as above
 other state or federal court (name and address):

d. Department:

e. Case type: limited civil unlimited civil probate family law other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" Yes No

h. Relationship of this case to the case referenced above (check all that apply):

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment 3h

i. Status of case:

- pending
- dismissed with without prejudice
- disposed of by judgment

4. Additional related cases are described in Attachment A. Number of pages attached: 13

Date: March 16, 2012

MATTHEW D. BROWN

 (TYPE OR PRINT NAME OF PARTY OR ATTORNEY)

Matthew D. Brown / AN

 (SIGNATURE OF PARTY OR ATTORNEY)

PLAINTIFF/PETITIONER: Ung, et al.	CASE NUMBER: 112-cv-217244
DEFENDANT/RESPONDENT: FACEBOOK, INC.	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF RELATED CASE**

(NOTE: You cannot serve the Notice of Related Case if you are a party in the action. The person who served the notice must complete this proof of service. The notice must be served on all known parties in each related action or proceeding.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my business address is *(specify)*:

Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130

2. I served a copy of the *Notice of Related Case* by enclosing it in a sealed envelope with first-class postage fully prepaid and *(check one)*:

- a. deposited the sealed envelope with the United States Postal Service.
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Related Case* was mailed:

- a. on *(date)*: March 16, 2012
- b. from *(city and state)*: Palo Alto, California 94304-1130

4. The envelope was addressed and mailed as follows:

- | | |
|--|---|
| <p>a. Name of person served: Jeff S. Westerman and David E. Azar. MILBERG LLP
Street address: 300 S. Grand Ave., Suite 3900
City: Los Angeles
State and zip code: CA 90071</p> | <p>c. Name of person served:
Street address:
City:
State and zip code:</p> |
| <p>b. Name of person served:

Street address:
City:
State and zip code:</p> | <p>d. Name of person served:

Street address:
City:
State and zip code:</p> |

Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 16, 2012

Amy E. Nash

(TYPE OR PRINT NAME OF DECLARANT)

▶ 

(SIGNATURE OF DECLARANT)

Attachment A to Notice of Related Case

1.
 - (a) **Title:** *Davis, et al. v. Facebook, Inc.*
 - (b) **Case Number:** 5:11-cv-04834-EJD
 - (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
 - (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
 - (e) **Case Type:** other (*specify*): Civil
 - (f) **Filing Date:** September 30, 2011
 - (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
 - (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
 - (i) **Status of Case:** Pending
2.
 - (a) **Title:** *Brkic v. Facebook, Inc.*
 - (b) **Case Number:** 5:11-cv-04935
 - (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
 - (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
 - (e) **Case Type:** other (*specify*): Civil
 - (f) **Filing Date:** October 5, 2011

- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
- involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment H
- (i) **Status of Case:** Pending

3. (a) **Title:** *Parrish v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00667
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** October 7, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
- involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. Northern District of Alabama; Pending
4. (a) **Title:** *Beatty v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00668

- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** October 7, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. District of Arizona; Pending

- 5.
- (a) **Title:** *Rutledge v. Facebook, Inc.*
 - (b) **Case Number:** 5:12-cv-00669
 - (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
 - (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
 - (e) **Case Type:** other (*specify*): Civil
 - (f) **Filing Date:** October 12, 2011
 - (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
 - (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.

Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. Northern District of Mississippi; Pending

6. (a) **Title:** *Singley v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00670

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

(d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila

(e) **Case Type:** other (*specify*): Civil

(f) **Filing Date:** October 5, 2011

(g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)

(h) **Relationship of this case to the case referenced above:**

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.

Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. Western District of Texas; Pending

7. (a) **Title:** *Howard v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00671

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

(d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila

(e) **Case Type:** other (*specify*): Civil

(f) **Filing Date:** October 4, 2011

(g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)

(h) **Relationship of this case to the case referenced above:**

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. Southern District of Illinois; Pending

8. (a) **Title:** *Graham v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00673

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

(d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila

(e) **Case Type:** other (*specify*): Civil

(f) **Filing Date:** October 5, 2011

(g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)

(h) **Relationship of this case to the case referenced above:**

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. District of Kansas; Pending

9. (a) **Title:** *Hoffman v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00674

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

(d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila

- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** October 7, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. Western District of Kentucky; Pending

10. (a) **Title:** *Seamon v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00675
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** October 10, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. Middle District of Louisiana; Pending

11. (a) **Title:** *Thompson v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00676
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** September 30, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
- involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. Western District of Missouri; Pending
12. (a) **Title:** *Campbell v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00796
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** November 21, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)

(h) **Relationship of this case to the case referenced above:**

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.

Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. Western District of Arkansas; Pending

13. (a) **Title:** *Quinn v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00797

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

(d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila

(e) **Case Type:** other (*specify*): Civil

(f) **Filing Date:** October 18, 2011

(g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)

(h) **Relationship of this case to the case referenced above:**

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.

Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. District of Hawaii; Pending

14. (a) **Title:** *Walker v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00798

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** October 20, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. District of Montana; Pending

15. (a) **Title:** *Burdick v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00799
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** October 25, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H

- (i) **Status of Case:** Transferred from U.S.D.C. Western District of Oklahoma; Pending
16. (a) **Title:** *Stravato v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00800
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** December 13, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
- involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. District of Rhode Island; Pending
17. (a) **Title:** *Vickery v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00801
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** November 14, 2011
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)

(h) **Relationship of this case to the case referenced above:**

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. Western District of Washington; Pending

18. (a) **Title:** *Maloney v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00824

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

(d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila

(e) **Case Type:** other (*specify*): Civil

(f) **Filing Date:** January 25, 2012

(g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)

(h) **Relationship of this case to the case referenced above:**

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment H

(i) **Status of Case:** Transferred from U.S.D.C. Southern District of Ohio; Pending

19. (a) **Title:** *Khang v. Facebook, Inc.*

(b) **Case Number:** 5:12-cv-00825

(c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113

- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** February 1, 2012
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
- (i) **Status of Case:** Transferred from U.S.D.C. Central District of California; Pending

20. (a) **Title:** *Carroll v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00370-EJD
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** January 24, 2012
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H

- (i) **Status of Case:** Pending
21. (a) **Title:** *Maguire v. Facebook, Inc.*
- (b) **Case Number:** 5:12-cv-00807-EJD
- (c) **Court:** U.S.D.C. Northern District of California - San Jose Courthouse, 280 South 1st Street, San Jose, CA 95113
- (d) **Department:** Courtroom 4 – 5th Floor; Hon. Edward J. Davila
- (e) **Case Type:** other (*specify*): Civil
- (f) **Filing Date:** February 17, 2012
- (g) **Has this case been designated as “complex”?** N/A (part of federal MDL proceeding)
- (h) **Relationship of this case to the case referenced above:**
- involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment H
- (i) **Status of Case:** Pending

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Attachment H to Notice of Related Case¹

The *Ung* action involves overlapping subject matter and claims with *In re Facebook Internet Tracking Litigation*, No. 5:12-md-02314-EJD (N.D. Cal.) (the “MDL Actions”), which is comprised of numerous putative class actions on behalf of Facebook users that were filed in various districts across the United States between September 2011 and February 2012. Facebook is the sole defendant in these actions. Between February 8, 2012 and February 22, 2012, they were transferred to this District by the United States Judicial Panel on Multidistrict Litigation to “eliminate duplicative discovery; prevent inconsistent pretrial rulings, including with respect to class certification; and conserve the resources of the parties, their counsel, and the judiciary.” *In re Facebook Internet Tracking Litig.*, MDL No. 2314 (Dkt. 45) (J.P.M.L. Feb. 8, 2012).

The *Ung* complaint was filed on January 24, 2012 in Santa Clara Superior Court. Facebook is the sole defendant. The *Ung* Plaintiffs purport to represent a putative class of Facebook users and non-Facebook users residing in the State of California who visited third-party websites displaying the Facebook “Like” button. (*Ung* Compl. ¶¶ 4-6.) They allege that Facebook used the Like button to collect individuals’ browsing history using “cookies.” (*Id.* ¶¶ 4-6, 14-16.) The *Ung* Plaintiffs allege that Facebook uses, among other mechanisms, the “datr” cookie to “record web browsing of its members and non-members whenever they visit web pages enabled with the Like button or Facebook Connect.” (*Id.* ¶ 14.) The *Ung* Plaintiffs cite the blog of Nik Cubrilovic (“Cubrilovic”), whose research, they claim, allegedly revealed “that Facebook collects Facebook members’ web browsing data, even after they have logged out of Facebook, by placing cookies on their computer and sharing their browsing data whenever the user visits a Facebook-enabled webpage.” (*Id.* ¶ 15.) The Cubrilovic blog entry that forms the basis of these allegations states, “[w]ith my browser logged out of Facebook, whenever I visit any page with a Facebook like button, or share button, or any other widget, the information, including my

¹ This Attachment H is responsive to all cases listed in entries 1-21 in the accompanying Attachment A.

account ID, is still being sent to Facebook.” (New Web Order, <http://nikcub.appspot.com/posts/logging-out-of-facebook-is-not-enough> (Sept. 25, 2011).) Facebook denies these allegations. Facebook’s deadline to respond to the *Ung* complaint is March 23, 2012.

The MDL Actions involve the same core set of allegations as *Ung*—that through the use of “cookies” (and one specific cookie, called the “datr cookie”), Facebook collected the Internet browsing history of individuals. (*Compare Ung* Compl. ¶¶ 4-6, 14, 16 *with Davis* Compl. ¶¶ 22-23.)² The MDL Actions rely on the same September 2011 blog posts by Cubrilovic about Facebook cookies, including the datr cookie. (*Compare Ung* Compl. ¶ 15 *with Davis* Compl. ¶¶ 21-23.) Cubrilovic’s blog, upon which the *Davis* complaint heavily relies, states that the alleged tracking complained of in *Davis* occurs whenever a User “visit[s] any page with a *Facebook like button, or share button, or any other widget.*” (See New Web Order, <http://nikcub.appspot.com/posts/logging-out-of-facebook-is-not-enough> (Sept. 25, 2011) (emphasis added).) This allegation directly mirrors the alleged conduct in *Ung*.³ (See, e.g., *Ung*

² The Court need not review every complaint in the MDL Actions to see the clear overlap and connection between them and *Ung*. Instead, it may look primarily to one of the two first-filed cases, *Davis v. Facebook*, No. 11-cv-04834-EJD (N.D. Cal.) (“*Davis*”), given that it was the *Davis* plaintiffs who initiated proceedings before the MDL Panel, and the *Davis* case that the MDL Panel determined involved the same core, operative facts as the other MDL Actions.

³ The current complaint is the *Ung* Plaintiffs’ second attempt to pursue an action in state court. They originally filed a significantly less-detailed complaint in state court last year. (*Ung v. Facebook, Inc.*, No. 111-cv-200467 (filed May 9, 2011).) Notably, that earlier case did not discuss the “datr tracking cookie,” which now figures prominently in the current complaint. (*Compare Ung v. Facebook, Inc.*, No. 111-cv-200467, Compl. ¶¶ 4-6 (claiming that Facebook used the Like button and Facebook Connect to “track and collect” plaintiffs’ “browsing history” without consent but not mentioning the datr cookie) *with Ung* Compl. ¶¶ 4-6 (claiming that each plaintiff found the datr cookie on his or her computer after having visited specific Facebook-affiliated websites and that Facebook used the Like button and Facebook Connect to “track and collect” plaintiffs’ “browsing history” without consent).) The original *Ung* complaint also did not contain a single reference to Cubrilovic or his blog, which details how the datr cookie allegedly works, as the current complaint does. (*Ung* Compl. ¶ 14.) Nor did Plaintiffs’ original complaint allege a violation of California’s wiretap law as the current complaint does. (*Id.* ¶¶ 42-49.)

Facebook subsequently removed that first *Ung* case to federal district court. After briefing on Facebook’s motion to dismiss and on jurisdictional issues was filed, the *Ung* Plaintiffs

Compl. ¶ 14.) Further, although the *Ung* action purports to assert claims on behalf of Facebook users and non-Facebook users, virtually all of the Facebook user sub-class in *Ung* is encompassed by the proposed Facebook user class in several of the MDL Actions. (*E.g.*, *Davis* Compl. ¶ 31 (seeking certification of a putative class of “all persons who had active Facebook accounts and used Facebook between May 27, 2010 and September 26, 2011, both dates inclusive, and whose privacy was violated by Facebook”).) Moreover, Facebook will likely assert similar legal and factual defenses in the *Ung* action and the MDL Actions and discovery will likely involve similar documents, data, and communications.

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voluntarily dismissed their federal action on December 14, 2011. (*Ung v. Facebook, Inc.*, 3:11-cv-02829-JSW (N.D. Cal.), Dkt. 41.) On January 24, 2012, the current complaint was filed with the significant revisions and new detailed factual allegations concerning the data tracking cookie and the Cubrilovic blog posts.