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12 Attorneys for Defendant
 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' CORRECTED**
 22 **FIRST AMENDED CONSOLIDATED CLASS**
 23 **ACTION COMPLAINT (FED. R. CIV. P.**
 24 **12(b)(1) & 12(b)(6))**

25 **DATE:** September 21, 2012
 26 **TIME:** 9:00 a.m.
 27 **COURTROOM:** 4
 28 **JUDGE:** Edward J. Davila
TRIAL DATE: None Set

29 Defendant Facebook, Inc.'s Motion to Dismiss Plaintiffs' Corrected First Amended
 30 Consolidated Complaint was heard on September 21, 2012 at 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:

1.

[PROPOSED] ORDER GRANTING
FACEBOOK'S MOTION TO DISMISS
No. 5:12-MD-02314 EJD

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IT IS HEREBY ORDERED THAT Facebook’s Request for Judicial Notice in support of its Motion to Dismiss is **GRANTED**.

The Court further finds as follows:

Plaintiffs do not have standing to bring the present action under Article III of the United States Constitution or Section 17204 of the California Business and Professions Code.

With respect to the first through eleventh 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’ Corrected First Amended Consolidated Class Action Complaint is **GRANTED**; and

Plaintiffs’ Corrected First 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

2631054/ST