

1 Stephen G. Grygiel (*admitted pro hac vice*)  
 2 **SILVERMAN THOMPSON**  
 3 **SLUTKIN WHITE LLC**  
 4 201 N. Charles Street, 26<sup>TH</sup> Floor  
 5 Baltimore, MD 21201  
 6 Tel.: (410) 385-2225  
 7 Fax: (410) 547-2432  
 8 *sgrygiel@mdattorney.com*

Frederic S. Fox (*admitted pro hac vice*)  
 David A. Straite (*admitted pro hac vice*)  
**KAPLAN FOX & KILSHEIMER LLP**  
 850 Third Avenue, 14<sup>th</sup> Floor  
 New York, NY 10022  
 Tel.: (212) 687-1980  
 Fax: (212) 687-7714  
*dstraite@kaplanfox.com*

Laurence D. King (206423)  
 Mario Choi (243409)  
**KAPLAN FOX & KILSHEIMER LLP**  
 350 Sansome Street, 4th Floor  
 San Francisco, CA 94104  
 Tel.: (415) 772-4700  
 Fax: (415) 772-4707  
*lking@kaplanfox.com*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

15  
 16 IN RE: FACEBOOK, INC. INTERNET  
 17 TRACKING LITIGATION

No. 5:12-md-02314-EJD

**PLAINTIFFS' ADMINISTRATIVE MOTION  
 TO FILE PORTIONS OF SECOND  
 AMENDED CONSOLIDATED COMPLAINT  
 UNDER SEAL**

N.D. Cal. L.R. 7-11 and 79-5

Next Hearing Date: January 14, 2016

Judge: The Honorable Edward J. Davila

1 **I. INTRODUCTION**

2 Pursuant to Civil Local Rules 7-11 and 79-5(e), Plaintiffs Perrin Davis, Cynthia Quinn, Matthew  
3 Vickery and Brian Lentz (the “Plaintiffs”) respectfully submit this administrative motion to file portions  
4 of the Second Amended Consolidated Class Action Complaint (the “SAC” or “Amended Complaint”) under seal.  
5 Plaintiffs are lodging the SAC under seal because it contains quotes from (or references to) documents  
6 produced in discovery that Defendant Facebook Inc. has designated as “Highly Confidential” pursuant to the  
7 Stipulated Protective Order entered by Magistrate Judge Paul S. Grewal in this matter on April 11, 2014  
8 (the “Protective Order”) [ECF No. 75].

9 Pursuant to Civil Local Rule 79-5(1), accompanying this motion is a Declaration of David A. Straite  
10 (1) identifying the portions of the Amended Complaint (and attachments thereto) that are the subject of this  
11 sealing motion; (2) providing 14 documents sought to be sealed which accompany the Amended Complaint;  
12 and (3) providing an unredacted version of the Amended Complaint highlighting the text that reflects  
13 discovery material designated by Facebook as “Confidential” or “Highly Confidential.”

14  
15 **II. DISCUSSION**

16 Public policy favors public access to court records. *See Foltz v. State Farm Mutual Automobile Insurance Co.*,  
17 331 F.3d 1124, 1134-35 (9th Cir. 2003); *see also Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597  
18 (1978) (recognizing “a general right to inspect and copy public records and documents, including judicial records  
19 and documents”). Furthermore, “a party seeking to seal a judicial record must articulate justifications for  
20 sealing that outweigh the public policies favoring disclosure.” *Dunbar v. Google, Inc.*, No. 5:12-cv-003305-LHK,  
21 2012 WL 6202719, at \*1 (N.D. Cal. Dec. 12, 2012).

22 Concurrent with this Motion to Seal, Plaintiffs are filing the Amended Complaint. Several pages  
23 of the Amended Complaint reflect discovery material designated “Confidential” or “Highly Confidential” by  
24 Facebook, and several attachments are internal Facebook documents produced in discovery, and designed  
25 “Highly Confidential” by Facebook. To comply with the Protective Order and Civil Local Rule 79-5,  
26 Plaintiffs have lodged the Amended Complaint under seal. To the best of Plaintiffs’ knowledge,  
27 the redactions to the Amended Complaint are consistent with Facebook’s designations.  
28

1 **III. CONCLUSION**

2 Plaintiffs have filed this motion in compliance with the Protective Order and Civil Local Rule  
3 79-5 to identify portions of the SAC that Facebook has designated “Confidential” or “Highly  
4 Confidential” and to redact the SAC in accordance therewith. Plaintiffs take no position on whether the  
5 designations are appropriate until having a chance to evaluate Facebook’s L.R. 79-5(e) declaration in  
6 response to this Motion justifying the designations.

7 Dated: November 30, 2015

**KIESEL LAW LLP**

8 By: /s/ Paul R. Kiesel

9 Paul R. Kiesel (SBN 119854)  
10 8648 Wilshire Blvd.  
11 Beverly Hills, CA 90211-2910  
12 Telephone: (310) 854-4444  
13 Facsimile: (310) 854-0812  
14 *kiesel@kiesel-law.com*

*Interim Liaison Counsel*

15 **SILVERMAN, THOMPSON, SLUTKIN &  
16 WHITE LLC**

**KAPLAN, FOX & KILSHEIMER LLP**

17 By: /s/ Stephen G. Grygiel  
18 Stephen G. Grygiel (admitted *pro hac vice*)  
19 201 N. Charles St., #2600  
20 Baltimore, MD 21201  
21 Telephone (410) 385-2225  
22 Facsimile: (410) 547-2432  
23 *sgrygiel@mdattorney.com*

By: /s/ David A. Straite  
Frederic S. Fox (admitted *pro hac vice*)  
David A. Straite (admitted *pro hac vice*)  
850 Third Avenue  
New York, NY 10022  
Telephone: (212) 687-1980  
Facsimile: (212) 687-7714  
*dstraite@kaplanfox.com*

*Interim Co-Lead Counsel*

Laurence D. King (206423)  
Mario Choi (243409)  
350 Sansome Street, 4th Floor  
San Francisco, CA 94104  
Tel.: (415) 772-4700  
Fax: (415) 772-4707  
*lking@kaplanfox.com*  
*Interim Co-Lead Counsel*

