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

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

No. 5:12-md-02314-EJD

**DECLARATION OF DAVID A. STRAITE IN
 SUPPORT OF 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

**DECLARATION OF DAVID A. STRAITE IN SUPPORT OF PLAINTIFFS’ ADMINISTRATIVE
 MOTION TO FILE AMENDED COMPLAINT UNDER SEAL**
 No. 5:12-md-02314-EJD

1 **DECLARATION OF DAVID A. STRAITE**

2 I, David A. Straite, declare as follows:

3 1. I am an attorney admitted *pro hac vice* to practice before this Court in this matter. I am
4 an attorney at the law firm of Kaplan Fox & Kilsheimer LLP, Interim Co-Lead Class Counsel in this
5 class action against Defendant Facebook Inc.

6 2. I submit this declaration in support of Plaintiffs’ administrative motion to file portions of
7 the Second Amended Consolidated Class Action Complaint (the “Amended Complaint”) and some
8 attachments thereto under seal (the “Motion to Seal”). The following statements are based on my
9 personal knowledge and review of the files in this case and, if called on to do so, I could and would
10 testify competently thereto.

11 3. Plaintiffs’ Motion to Seal describes 15 documents sought to be sealed, including 14
12 documents produced by Facebook during discovery and designated as “Highly Confidential,” and the
13 Amended Complaint, portions of which quote from or make reference to the 14 Facebook documents
14 and other similarly designated documents.

15 4. Exhibit 1 to this declaration is a redacted public version of the Amended Complaint
16 which Plaintiffs seek to file under seal, redacting material in the following paragraphs:

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| 18 Paragraph | Reason for Redaction |
|---------------------|--|
| 19 4 | Text summarizes information learned in discovery and designated by Facebook as confidential discovery material. |
| 20 45 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit Q. |
| 21 48 and 49 | Text identifies the name of a Facebook database designated by Facebook as confidential discovery material. |
| 22 59 | Text quotes from two documents designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibits V and Y. |
| 23 66 and 67 | Text quotes from (or refers to) a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit M. |
| 24 68 | Text quotes from two documents designated by Facebook as “Highly |

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| Paragraph | Reason for Redaction |
|-----------|--|
| | Confidential” and attached to the Amended Complaint as Exhibits N and O. |
| 69 | Text quotes from (or refers to) a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit P. |
| 71 | Text quotes from (or refers to) a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit R. |
| 72 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit R. |
| 73 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit T. |
| 74 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit U. |
| 75 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit V. |
| 76 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit W. |
| 77 | Text quotes from two documents designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibits X and V. |
| 78 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit Y. |
| 103 | Text summarizes information learned in discovery and designated by Facebook as confidential discovery material. |
| 104 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit V. |
| 105 | Text quotes from a document designated by Facebook as “Highly Confidential” and attached to the Amended Complaint as Exhibit AA. |

5. Exhibit 2 to this Declaration is a compilation of Exhibits M through Y and AA to the Amended Complaint, which are documents produced by Facebook during discovery and designated “Highly Confidential” under the Stipulated Protective Order entered by Magistrate Judge Paul S. Grewal in this matter on April 11, 2014 (the “Protective Order”) [ECF No. 75].

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6. Exhibit 3 to this Declaration is the full unredacted Amended Complaint. Text redacted in the public version has been highlighted in yellow in this under-seal version.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 30th day of November 2015, at New York, NY.

/s/ David Straite
David A. Straite

1 **ATTESTATION OF E-FILED SIGNATURE**

2 I, Paul R. Kiesel, court-appointed interim liaison counsel for the proposed Class, am the ECF
3 User whose ID and password are being used to file this Declaration of David Straite in Support of
4 Plaintiffs' Administrative Motion to File Under Seal. In compliance with Civil L.R. 5-1(i)(3), I hereby
5 attest that David Straite has concurred in this filing.

6 _____
7 */s/ Paul R. Kiesel*
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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 30, 2015.

KIESEL LAW LLP

 /s/ Paul R. Kiesel
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