

# EXHIBIT 13

July 23, 2015

**VIA E-MAIL**

Jeana Bisnar Maute, Esq.  
[jbisnarmaute@gibsondunn.com](mailto:jbisnarmaute@gibsondunn.com)  
Priyanka Rajagopalan, Esq.  
[PRajagopalan@gibsondunn.com](mailto:PRajagopalan@gibsondunn.com)  
Gibson, Dunn & Crutcher LLP  
1881 Page Mill Road  
Palo Alto, California 94304

RE: *Campbell v. Facebook, Inc.*, N.D. Cal. Case No. 13-cv-05996-PJH

Dear Jeana and Priyanka:

I write to follow up on our July 17, 2015 call, during which we discussed Facebook's proposal regarding the use of predictive coding by Facebook, as set forth in Chris Chorba's June 19, 2015 letter to Hank Bates ("June 19 Letter"), to process and cull the documents returned by Facebook's application of the search terms listed in the Appendix to Josh Jessen's May 13, 2015 letter to Mr. Bates.

The June 19 Letter states that the application of the search terms "resulted in a potential review population of approximately 600,000 unique documents" (the "Filtered By Search Term Documents"). The June 19 Letter represents Facebook intends to iterate the predictive coding model until it "achieve[s] a recall rate that returns a statistically significant and industry-accepted percentage of relevant documents, when applied to a subset that was manually reviewed for relevance." We understand that the "subset that was manually reviewed for relevance" was the set of documents which had scores below the cutoff point established by the model, i.e., the so-called null set.

During our call, Facebook's document review consultants also represented that:

1. The predictive coding technology being used was Equivio Relevance;
2. All steps of the coding, including classification of the control set, have already been performed by Facebook using the initial 600,000 unique documents;
3. The control set contained 1,591 documents;

4. The control set had a point estimate of richness of 0.06%, calculated with a 95% confidence level and a 2.5% margin of error;
5. Apart from the analysis of the null “subset that was manually reviewed for relevance” set forth in the June 19 Letter, the control set was assessed, i.e., classified, using the model and the resulting recall rate, calculated with a 95% confidence level and a 2.5% margin of error, was 80%;
6. The predictive model produced a cut-off score dividing Relevant and Not Relevant documents;
7. Facebook intends to apply the predictive coding model to all of the Filtered by Search Terms Documents;
8. Facebook does not intend to further review or produce any of the Filtered By Search Term Documents that fell beneath the cut-off score established during the predictive coding;
9. No further training has been performed, although the model produced by the training has been used to classify an unspecified number of additional Filtered By Search Term Documents;
10. Facebook has not determined whether or not the initial 600,000 Filtered By Search Term Documents used in the training was representative of any documents collected subsequently;
11. No further assessments, i.e., testing for recall against a random sample drawn from the entire set of Filtered By Search Terms Documents, have been performed.

Further, you agreed to provide us with:

1. The number of documents against which the search terms were run to produce the initial 600,000 unique documents used to create the predictive coding model;
2. The names of the custodians whose documents were included in the set of documents to which the search terms were applied resulting in the 600,000 unique documents used to create the predictive coding model;
3. The number of true positives, true negatives, false positives and false negatives that resulted from application of the predictive coding model against the control set.

In order to assess the validity of the predictive coding process and the resulting model, Plaintiffs request the following additional information and documents:

1. An explanation of how the initial 500 documents in the control set were selected;
2. Whether seeding was used, and if so, when and how;
3. The number of true positives, true negatives, false positives and false negatives in the subset of documents below the cutoff scores that was manually reviewed for relevance;
4. The functional areas in which the custodians whose documents were included in the 600,000 unique Filtered By Search Terms documents worked;
5. The names and functional areas of the other identified custodians whose documents were not included in the 600,000 documents used to create the predictive coding model;
6. The number of documents classified as Relevant or Not Relevant in the control set;
7. The number of documents classified as Relevant or Not Relevant, or which were Skipped, in the training set;
8. The names and qualifications of the persons who classified control set documents as Relevant or Not Relevant;
9. If more than one person participated in the classification of the control set, whether they reached consensus on the classification of each document in the control set; if they did not, how the classifications were performed;
10. The names and qualifications of the experts used to classify the documents in the training set and which issue(s) each expert classified;
11. Whether the persons who classified the training set documents reached consensus on the classification of each document in the training set; if they did not, how the classifications were performed;
12. If any additional manual classifications of random samples have been performed, then, with respect to each such classification: the number of documents, true positives, true negatives, false positives and false negatives in the random sample, the population from which the random sample was drawn, the names of the expert(s) who made the classifications, the issue(s) with respect to which each expert made classifications, and, if there was more than one expert, whether consensus was reached with respect to each document classified;
13. The documents included in the control set, the training set, the “subset manually reviewed for relevance,” and in any other manually classified random sample, and the classification made with respect to each document in each set or random sample.

Jeana Bisnar Maute, Esq.  
Priyanka Rajagopalan, Esq.  
July 23, 2015  
Page 4

Please provide this information at your earliest convenience. If you have any questions about or would like to discuss the foregoing, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'DTR', with a long, sweeping flourish extending to the right.

David T. Rudolph

DTR/wp  
1266913.2