

EXHIBIT 21

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12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW CAMPBELL, MICHAEL
17 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S FIRST
SET OF REQUESTS FOR ADMISSION TO
PLAINTIFF MATTHEW CAMPBELL**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MATTHEW CAMPBELL

25 SET NO. ONE (1)
26
27
28

1 Pursuant to Federal Rules of Civil Procedure 26 and 36 (the “Federal Rules”) and the Local
2 Rules of this Court (the “Local Rules”), Defendant Facebook, Inc. hereby requests that Plaintiff
3 Matthew Campbell respond to the following Requests for Admission (the “Requests”) within thirty
4 (30) days of service. The Requests are to be read in accordance with the definitions that follow, as
5 well as the applicable Federal Rules and Local Rules.

6 **DEFINITIONS**

7 For purposes of these Requests, the following definitions apply:

8 1. The definitions and rules of construction set forth in Rule 36 of the Federal Rules are
9 incorporated herein.

10 2. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
11 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH (MEJ), now pending in the United
12 States District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
13 Hamilton.

14 3. “YOU,” “YOUR,” and/or “YOURSELF” refers to Matthew Campbell, a Plaintiff in
15 the ACTION, and anyone acting on YOUR behalf.

16 4. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
17 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

18 5. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
19 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
20 application.

21 6. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
22 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
23 by sending or receiving a message.

24 7. “URL” refers to a Uniform Resource Locator, which is a reference to a resource on the
25 Internet.

26 **INSTRUCTIONS**

27 1. Each request is required to be answered on the basis of YOUR entire knowledge.

28 2. The terms “and” and “or” are to be read in both the conjunctive and disjunctive and

1 shall encompass all information that would be responsive under a conjunctive reading and all
2 information that would be responsive under a disjunctive reading.

3 3. The singular form of any noun or pronoun includes, where appropriate, the plural
4 form, and vice versa, to encompass the broadest interpretation reasonable for each Request.

5 4. If YOUR response to any request for admission is anything but an unqualified
6 admission, YOU shall identify such part of the request for admission and state your good faith
7 basis for not admitting the request.

8 5 These Requests are continuing in nature pursuant to Rule 26 of the Federal Rules of
9 Civil Procedure, and they require timely supplementation if YOU obtain further responsive
10 information or determine that YOUR existing responses are inaccurate, inadequate, or
11 incomplete.

12 6. If YOU withhold under a claim of privilege or other protection any information
13 sought by these requests, furnish a list specifying the information for which the privilege or
14 protection is claimed, together with the following data: (a) the source of the information and his
15 or her job title; (b) the name and job title of each person to whom the information was furnished;
16 (c) the date the information was furnished and/or originated; (d) the subject matter of the
17 information; (e) the privilege claimed; (f) the asserted basis on which privilege is claimed; and
18 (g) the request to which such information responds.

19 7. If YOU withhold for any other reason any information sought by these requests,
20 furnish a list specifying the information withheld, together with the following data: (a) the
21 source of the information and his or her job title; (b) the name and job title of each person to
22 whom the information was furnished; (c) the date that the information was furnished and/or
23 originated; (d) the subject matter of the information; (e) the asserted basis for withholding the
24 information; and (f) the request to which such information responds.

25 8. If YOU refuse to produce information on the ground that compliance would be
26 unduly burdensome, set forth with particularity the search that would need to be conducted,
27 including the number of person hours and the costs that would be involved in conducting the
28 search.

1 **PROOF OF SERVICE**

2 I, Ashley M. Rogers, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On September 11, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S FIRST SET OF REQUESTS FOR**
6 **ADMISSION TO PLAINTIFF MATTHEW CAMPBELL**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11 Melissa Ann Gardner
mgardner@lchb.com
12 Nicholas Diamand
ndiamand@lchb.com
13 Rachel Geman
rgeman@lchb.com
14 Michael W. Sobol
15 Lieff Cabraser Heimann & Bernstein, LLP
msobol@lchb.com

- 16
- 17 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
18 agreement of the parties to accept service by electronic transmission, I caused the documents to
be sent to the persons at the electronic notification addresses as shown above.
 - 19 I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.
 - 20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on September 11, 2015.

22 _____
23 /s/
Ashley M. Rogers

1 GIBSON, DUNN & CRUTCHER LLP
JOSHUA A. JESSEN, SBN 222831
2 Jjessen@gibsondunn.com
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12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW HURLEY, MICHAEL HURLEY,
17 and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S
SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF MICHAEL HURLEY**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MICHAEL HURLEY

25 SET NO. TWO (2)
26
27
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1 Pursuant to Federal Rules of Civil Procedure 26 and 34 (the “Federal Rules”) and the Local
2 Rules of this Court (the “Local Rules”), Defendant Facebook, Inc. hereby requests that Plaintiff
3 Michael Hurley produce the following documents in his possession, custody or control in accordance
4 with the definitions and instructions contained herein to the undersigned attorneys for inspection and
5 copying at the offices of Gibson, Dunn & Crutcher LLP, 1881 Page Mill Road, Palo Alto, CA 94304,
6 within thirty (30) days after service hereof. The following requests for documents (the “Requests”)
7 are to be read in accordance with the definitions and respective instructions that follow, as well as the
8 applicable Federal Rules and Local Rules.

9 **DEFINITIONS**

10 For purposes of these Requests and the instructions thereto, the following definitions apply:

11 1. The definitions and rules of construction set forth in Rule 34 of the Federal Rules are
12 incorporated herein.

13 2. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
14 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH, now pending in the United States
15 District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
16 Hamilton.

17 3. “YOU,” “YOUR,” and/or “YOURSELF” refers to Michael Hurley, a Plaintiff in the
18 ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall include
19 those in YOUR possession, custody, or control.

20 4. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
21 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

22 5. “COMMUNICATION” and “COMMUNICATIONS” include, without limitation, any
23 transmission or transfer of information of any kind, whether orally, electronically, in writing, or in
24 any other manner, at any time or place, and under any circumstances whatsoever.

25 6. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
26 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
27 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
28 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;

1 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
2 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
3 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing
4 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,
5 however produced or reproduced; and any paper or writing of whatever description, including any
6 computer database or information contained in any computer although not yet printed out.

7 “DOCUMENT” and “DOCUMENTS” specifically include all e-mail accounts of YOU and YOUR
8 representatives and/or agents. A draft or nonidentical copy is a separate document within the
9 meaning of this term.

10 7. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
11 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
12 application.

13 8. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
14 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
15 by sending or receiving a message.

16 9. “PERSON” or “PERSONS” means an individual, or any public or private organization
17 or entity, including an agency, commission, committee, partnership, joint venture, corporation,
18 association, trust, estate, political subdivision, department, office, or board or any similar entity.

19 10. “PLAINTIFFS’ COUNSEL” refers to Lieff, Cabraser, Heimann & Bernstein, LLP;
20 Carney, Bates, & Pulliam, PLLC; Pomerantz, LLP; Glancy Prongay & Murray LLP; Tostrud Law
21 Group, P.C.; and all lawyers at these firms who have appeared in this action (including, but not
22 limited to, Michael W. Sobol; Melissa Ann Gardner; Rachel Geman; Nicholas Diamond; David
23 Taylor Rudolph; Joseph Henry Bates, III; James Allen Carney; David F. Slade; Jeremy A.
24 Lieberman; Lesley F. Portnoy; Patrick V. Dahlstrom; Lionel Z. Glancy; and Jon A. Tostrud).

25 **INSTRUCTIONS**

26 1. These Requests should be construed as broadly as possible with all doubts resolved in
27 favor of production. The words “all,” “any,” “each,” “and,” and “or” shall be construed
28 conjunctively or disjunctively as necessary to make the Request inclusive rather than exclusive.

1 Except as specifically provided in these Requests, words imparting the singular shall include the
2 plural and vice versa, where appropriate. Except as specifically provided in these Requests, words
3 imparting the present tense shall also include the past and future tenses and vice versa, where
4 appropriate.

5 2. All requested DOCUMENTS must be produced in their entirety, without
6 abbreviations, redaction, or expurgation and with all attachments and enclosures, regardless of
7 whether YOU consider the attachments and enclosures to be relevant or responsive to each Request.

8 3. In responding to each Request, YOU are to produce each and every DOCUMENT in
9 YOUR possession, custody or control.

10 4. For purposes of these Requests, a DOCUMENT is deemed to be in YOUR "control" if
11 any of YOUR attorneys, agents, accountants, financial or tax advisors, or any other PERSON
12 purporting to act on YOUR behalf has actual physical possession of the DOCUMENT or a copy
13 thereof, or if YOU have the right to secure the DOCUMENT or copy thereof from another PERSON
14 having actual physical possession of the DOCUMENT.

15 5. If YOUR response to a Request is that a DOCUMENT is not in YOUR possession,
16 custody, or control, describe in detail the efforts made to locate it and identify who has the
17 possession, custody or control of the DOCUMENT.

18 6. If any DOCUMENT requested herein was formerly in YOUR possession, custody, or
19 control or of any agent, servant, employee, or other PERSON acting or purporting to act on YOUR
20 behalf and said DOCUMENT has since been lost or destroyed, YOU are to submit a written
21 statement that describes, in detail, the nature of the DOCUMENT and its contents; identifies the
22 PERSON who prepared the document and, if applicable, the PERSON or PERSONS to whom the
23 DOCUMENT was sent or disclosed; specifies the date on which the DOCUMENT was prepared,
24 transmitted, or received; specifies, if known, the date on which the DOCUMENT was lost or
25 destroyed and the conditions of and the reasons for such loss or destruction and the names of those
26 PERSONS last in possession of or those PERSONS requesting and performing the destruction of
27 such documents; and identifies all PERSONS with knowledge of any portions of the contents of the
28 DOCUMENT.

1 7. Pursuant to Rule 34(b) of the Federal Rules, YOU shall produce responsive
2 DOCUMENTS as they have been kept in the usual course of business or shall organize and label
3 them to correspond to the Requests. In either case, DOCUMENTS contained in file folders, loose-
4 leaf binders, and notebooks with tabs or labels identifying such documents are to be produced intact
5 with such file folders, loose-leaf binders, or notebooks. All DOCUMENTS that are physically
6 attached to each other shall be left so attached. DOCUMENTS that are segregated or separated from
7 other documents shall be left so segregated or separated.

8 8. Each Request herein requires that YOU produce any and all DOCUMENTS from
9 personal computers, notebook or laptop computers, tablet devices, file servers, personal digital
10 assistants (PDAs), cellular telephones, minicomputers, mainframe computers, Web servers, Internet
11 servers, cloud storage, or other storage devices including web pages, hard disk drives, flash drives,
12 floppy disks, databases, backup or archival tapes, containing the requested DOCUMENTS. All
13 relevant DOCUMENTS that are accessible on the storage media and that are erased or deleted but
14 recoverable through any means whatsoever should be produced.

15 9. Electronically stored DOCUMENTS, including e-mail, web pages and html files, shall
16 be produced in the form or forms in which they are ordinarily maintained or in a form that is
17 reasonably usable.

18 10. One copy of each DOCUMENT requested is to be produced. Any copy of a
19 DOCUMENT that varies in any way from the original or from any other copy of the document,
20 whether by reason of handwritten or other notation or otherwise, shall constitute a separate
21 DOCUMENT and must be produced, whether or not the original is within YOUR possession,
22 custody, or control.

23 11. If a requested DOCUMENT is withheld on the basis of any claim of privilege, YOU
24 must set forth the information necessary for FACEBOOK to ascertain whether the privilege properly
25 applies, including describing the DOCUMENT withheld, stating the privilege being relied upon, and
26 identifying all PERSONS (by name, title, address, company (if applicable), and relationship to YOU)
27 who have or have had access to such DOCUMENT (including all the identity(ies) of the author(s) or
28

1 maker(s), recipient(s), and carbon copy recipient(s)), the applicable date(s), and the subject matter(s)
2 in a privilege log.

3 12. If any portion of any DOCUMENT responsive to these Requests is withheld under the
4 claim of privilege, any non-privileged portion of such DOCUMENT must be produced with the
5 portion claimed to be privileged redacted and logged in a privilege log pursuant to the preceding
6 instructions.

7 13. All objections to any category of DOCUMENTS to be produced pursuant to this
8 Request must be made in a written response served on counsel for FACEBOOK within the time
9 period for responding to these Requests.

10 14. These Requests are to be regarded as continuing pursuant to Rule 26(e) of the Federal
11 Rules. YOU are required to provide, by way of supplementary responses hereto, such additional
12 information as may be obtained by YOU or any person acting on YOUR behalf that will augment or
13 modify YOUR answers now given to the following Requests. Pursuant to Rule 26(e) of the Federal
14 Rules, YOU are required to supplement these responses and provide additional DOCUMENTS
15 without a specific request from FACEBOOK.

16 15. FACEBOOK serves these Requests without prejudice to its right to serve additional
17 requests for production of DOCUMENTS.

18 **DOCUMENT REQUESTS**

19 **REQUEST NO. 23**

20 All DOCUMENTS evidencing, supporting, and/or otherwise relating to any research or
21 investigation pertaining to YOUR claims in this ACTION, including the FACEBOOK MESSAGES
22 PRODUCT at issue in this ACTION.

23 **REQUEST NO. 24**

24 All DOCUMENTS evidencing, supporting, and/or otherwise relating to how YOU propose to
25 calculate the monetary damages that YOU seek in the ACTION.

26 **REQUEST NO. 25**

27 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the declaratory and
28 injunctive relief YOU seek in the ACTION.

1 **REQUEST NO. 26**

2 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all attorney
3 advertisements and/or solicitations to FACEBOOK users and/or putative members of the class upon
4 which YOU purport to bring the ACTION.

5 **REQUEST NO. 27**

6 A copy of any retention agreement between YOU and PLAINTIFFS' COUNSEL in this
7 ACTION, and all DOCUMENTS evidencing, supporting, and/or otherwise relating to any such
8 retention agreement.

9 **REQUEST NO. 28**

10 All DOCUMENTS prepared by Dr. Jennifer Golbeck regarding the expert opinion that YOU
11 expect to offer in this ACTION, including but not limited to articles, speeches, symposia, conference
12 papers, abstracts, and other publications.

13 **REQUEST NO. 29**

14 All DOCUMENTS prepared by Fernando Torres regarding the expert opinion that YOU
15 expect to offer in this ACTION, including but not limited to articles, speeches, symposia, conference
16 papers, abstracts, and other publications.

17 **REQUEST NO. 30**

18 All DOCUMENTS referenced in, relied upon in, and/or that support YOUR responses to
19 FACEBOOK's Second Set of Interrogatories and/or First Set of Requests for Admission served
20 concurrently with this Second Set of Requests for Production of Documents.

21 DATED: September 11, 2015

GIBSON, DUNN & CRUTCHER LLP

22 By: _____/s/
23 Joshua A. Jessen

24 Attorneys for Defendant FACEBOOK, INC.
25
26
27
28

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Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S
SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF MATTHEW CAMPBELL**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MATTHEW CAMPBELL

25 SET NO. TWO (2)
26
27
28

1 Pursuant to Federal Rules of Civil Procedure 26 and 34 (the “Federal Rules”) and the Local
2 Rules of this Court (the “Local Rules”), Defendant Facebook, Inc. hereby requests that Plaintiff
3 Matthew Campbell produce the following documents in his possession, custody or control in
4 accordance with the definitions and instructions contained herein to the undersigned attorneys for
5 inspection and copying at the offices of Gibson, Dunn & Crutcher LLP, 1881 Page Mill Road, Palo
6 Alto, CA 94304, within thirty (30) days after service hereof. The following requests for documents
7 (the “Requests”) are to be read in accordance with the definitions and respective instructions that
8 follow, as well as the applicable Federal Rules and Local Rules.

9 **DEFINITIONS**

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12 incorporated herein.

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14 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH, now pending in the United States
15 District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
16 Hamilton.

17 3. “YOU,” “YOUR,” and/or “YOURSELF” refers to Matthew Campbell, a Plaintiff in
18 the ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall
19 include those in YOUR possession, custody, or control.

20 4. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
21 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

22 5. “COMMUNICATION” and “COMMUNICATIONS” include, without limitation, any
23 transmission or transfer of information of any kind, whether orally, electronically, in writing, or in
24 any other manner, at any time or place, and under any circumstances whatsoever.

25 6. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
26 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
27 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
28 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;

1 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
2 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
3 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing
4 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,
5 however produced or reproduced; and any paper or writing of whatever description, including any
6 computer database or information contained in any computer although not yet printed out.

7 “DOCUMENT” and “DOCUMENTS” specifically include all e-mail accounts of YOU and YOUR
8 representatives and/or agents. A draft or nonidentical copy is a separate document within the
9 meaning of this term.

10 7. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
11 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
12 application.

13 8. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
14 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
15 by sending or receiving a message.

16 9. “PERSON” or “PERSONS” means an individual, or any public or private organization
17 or entity, including an agency, commission, committee, partnership, joint venture, corporation,
18 association, trust, estate, political subdivision, department, office, or board or any similar entity.

19 10. “PLAINTIFFS’ COUNSEL” refers to Lieff, Cabraser, Heimann & Bernstein, LLP;
20 Carney, Bates, & Pulliam, PLLC; Pomerantz, LLP; Glancy Prongay & Murray LLP; Tostrud Law
21 Group, P.C.; and all lawyers at these firms who have appeared in this action (including, but not
22 limited to, Michael W. Sobol; Melissa Ann Gardner; Rachel Geman; Nicholas Diamond; David
23 Taylor Rudolph; Joseph Henry Bates, III; James Allen Carney; David F. Slade; Jeremy A.
24 Lieberman; Lesley F. Portnoy; Patrick V. Dahlstrom; Lionel Z. Glancy; and Jon A. Tostrud).

25 **INSTRUCTIONS**

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27 favor of production. The words “all,” “any,” “each,” “and,” and “or” shall be construed
28 conjunctively or disjunctively as necessary to make the Request inclusive rather than exclusive.

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3 imparting the present tense shall also include the past and future tenses and vice versa, where
4 appropriate.

5 2. All requested DOCUMENTS must be produced in their entirety, without
6 abbreviations, redaction, or expurgation and with all attachments and enclosures, regardless of
7 whether YOU consider the attachments and enclosures to be relevant or responsive to each Request.

8 3. In responding to each Request, YOU are to produce each and every DOCUMENT in
9 YOUR possession, custody or control.

10 4. For purposes of these Requests, a DOCUMENT is deemed to be in YOUR "control" if
11 any of YOUR attorneys, agents, accountants, financial or tax advisors, or any other PERSON
12 purporting to act on YOUR behalf has actual physical possession of the DOCUMENT or a copy
13 thereof, or if YOU have the right to secure the DOCUMENT or copy thereof from another PERSON
14 having actual physical possession of the DOCUMENT.

15 5. If YOUR response to a Request is that a DOCUMENT is not in YOUR possession,
16 custody, or control, describe in detail the efforts made to locate it and identify who has the
17 possession, custody or control of the DOCUMENT.

18 6. If any DOCUMENT requested herein was formerly in YOUR possession, custody, or
19 control or of any agent, servant, employee, or other PERSON acting or purporting to act on YOUR
20 behalf and said DOCUMENT has since been lost or destroyed, YOU are to submit a written
21 statement that describes, in detail, the nature of the DOCUMENT and its contents; identifies the
22 PERSON who prepared the document and, if applicable, the PERSON or PERSONS to whom the
23 DOCUMENT was sent or disclosed; specifies the date on which the DOCUMENT was prepared,
24 transmitted, or received; specifies, if known, the date on which the DOCUMENT was lost or
25 destroyed and the conditions of and the reasons for such loss or destruction and the names of those
26 PERSONS last in possession of or those PERSONS requesting and performing the destruction of
27 such documents; and identifies all PERSONS with knowledge of any portions of the contents of the
28 DOCUMENT.

1 7. Pursuant to Rule 34(b) of the Federal Rules, YOU shall produce responsive
2 DOCUMENTS as they have been kept in the usual course of business or shall organize and label
3 them to correspond to the Requests. In either case, DOCUMENTS contained in file folders, loose-
4 leaf binders, and notebooks with tabs or labels identifying such documents are to be produced intact
5 with such file folders, loose-leaf binders, or notebooks. All DOCUMENTS that are physically
6 attached to each other shall be left so attached. DOCUMENTS that are segregated or separated from
7 other documents shall be left so segregated or separated.

8 8. Each Request herein requires that YOU produce any and all DOCUMENTS from
9 personal computers, notebook or laptop computers, tablet devices, file servers, personal digital
10 assistants (PDAs), cellular telephones, minicomputers, mainframe computers, Web servers, Internet
11 servers, cloud storage, or other storage devices including web pages, hard disk drives, flash drives,
12 floppy disks, databases, backup or archival tapes, containing the requested DOCUMENTS. All
13 relevant DOCUMENTS that are accessible on the storage media and that are erased or deleted but
14 recoverable through any means whatsoever should be produced.

15 9. Electronically stored DOCUMENTS, including e-mail, web pages and html files, shall
16 be produced in the form or forms in which they are ordinarily maintained or in a form that is
17 reasonably usable.

18 10. One copy of each DOCUMENT requested is to be produced. Any copy of a
19 DOCUMENT that varies in any way from the original or from any other copy of the document,
20 whether by reason of handwritten or other notation or otherwise, shall constitute a separate
21 DOCUMENT and must be produced, whether or not the original is within YOUR possession,
22 custody, or control.

23 11. If a requested DOCUMENT is withheld on the basis of any claim of privilege, YOU
24 must set forth the information necessary for FACEBOOK to ascertain whether the privilege properly
25 applies, including describing the DOCUMENT withheld, stating the privilege being relied upon, and
26 identifying all PERSONS (by name, title, address, company (if applicable), and relationship to YOU)
27 who have or have had access to such DOCUMENT (including all the identity(ies) of the author(s) or
28

1 maker(s), recipient(s), and carbon copy recipient(s)), the applicable date(s), and the subject matter(s)
2 in a privilege log.

3 12. If any portion of any DOCUMENT responsive to these Requests is withheld under the
4 claim of privilege, any non-privileged portion of such DOCUMENT must be produced with the
5 portion claimed to be privileged redacted and logged in a privilege log pursuant to the preceding
6 instructions.

7 13. All objections to any category of DOCUMENTS to be produced pursuant to this
8 Request must be made in a written response served on counsel for FACEBOOK within the time
9 period for responding to these Requests.

10 14. These Requests are to be regarded as continuing pursuant to Rule 26(e) of the Federal
11 Rules. YOU are required to provide, by way of supplementary responses hereto, such additional
12 information as may be obtained by YOU or any person acting on YOUR behalf that will augment or
13 modify YOUR answers now given to the following Requests. Pursuant to Rule 26(e) of the Federal
14 Rules, YOU are required to supplement these responses and provide additional DOCUMENTS
15 without a specific request from FACEBOOK.

16 15. FACEBOOK serves these Requests without prejudice to its right to serve additional
17 requests for production of DOCUMENTS.

18 **DOCUMENT REQUESTS**

19 **REQUEST NO. 23**

20 All DOCUMENTS evidencing, supporting, and/or otherwise relating to any research or
21 investigation pertaining to YOUR claims in this ACTION, including the FACEBOOK MESSAGES
22 PRODUCT at issue in this ACTION.

23 **REQUEST NO. 24**

24 All DOCUMENTS evidencing, supporting, and/or otherwise relating to how YOU propose to
25 calculate the monetary damages that YOU seek in the ACTION.

26 **REQUEST NO. 25**

27 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the declaratory and
28 injunctive relief YOU seek in the ACTION.

1 **REQUEST NO. 26**

2 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all attorney
3 advertisements and/or solicitations to FACEBOOK users and/or putative members of the class upon
4 which YOU purport to bring the ACTION.

5 **REQUEST NO. 27**

6 A copy of any retention agreement between YOU and PLAINTIFFS' COUNSEL in this
7 ACTION, and all DOCUMENTS evidencing, supporting, and/or otherwise relating to any such
8 retention agreement.

9 **REQUEST NO. 28**

10 All DOCUMENTS prepared by Dr. Jennifer Golbeck regarding the expert opinion that YOU
11 expect to offer in this ACTION, including but not limited to articles, speeches, symposia, conference
12 papers, abstracts, and other publications.

13 **REQUEST NO. 29**

14 All DOCUMENTS prepared by Fernando Torres regarding the expert opinion that YOU
15 expect to offer in this ACTION, including but not limited to articles, speeches, symposia, conference
16 papers, abstracts, and other publications.

17 **REQUEST NO. 30**

18 All DOCUMENTS referenced in, relied upon in, and/or that support YOUR responses to
19 FACEBOOK's Second Set of Interrogatories and/or First Set of Requests for Admission served
20 concurrently with this Second Set of Requests for Production of Documents.

21 DATED: September 11, 2015

GIBSON, DUNN & CRUTCHER LLP

22 By: _____/s/
23 Joshua A. Jessen

24 Attorneys for Defendant FACEBOOK, INC.
25
26
27
28

1 **PROOF OF SERVICE**

2 I, Ashley M. Rogers, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On September 11, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S SECOND SET OF REQUESTS FOR
6 PRODUCTION OF DOCUMENTS TO PLAINTIFF MATTHEW CAMPBELL**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11 Melissa Ann Gardner
mgardner@lchb.com
12 Nicholas Diamand
ndiamand@lchb.com
13 Rachel Geman
rgeman@lchb.com
14 Michael W. Sobol
15 Lieff Cabraser Heimann & Bernstein, LLP
msobol@lchb.com

16
17 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
18 agreement of the parties to accept service by electronic transmission, I caused the documents to
be sent to the persons at the electronic notification addresses as shown above.

19 I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on September 11, 2015.

22 _____
23 /s/
Ashley M. Rogers

1 GIBSON, DUNN & CRUTCHER LLP
JOSHUA A. JESSEN, SBN 222831
2 Jjessen@gibsondunn.com
JEANA BISNAR MAUTE, SBN 290573
3 JBisnarMaute@gibsondunn.com
ASHLEY M. ROGERS, SBN 286252
4 ARogers@gibsondunn.com
1881 Page Mill Road
5 Palo Alto, California 94304
Telephone: (650) 849-5300
6 Facsimile: (650) 849-5333

7 GIBSON, DUNN & CRUTCHER LLP
GAIL E. LEES, SBN 90363
8 GLees@gibsondunn.com
CHRISTOPHER CHORBA, SBN 216692
9 CChorba@gibsondunn.com
333 South Grand Avenue
10 Los Angeles, California 90071
Telephone: (213) 229-7000
11 Facsimile: (213) 229-7520

12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW CAMPBELL, MICHAEL
17 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S
SECOND SET OF INTERROGATORIES
TO PLAINTIFF MICHAEL HURLEY**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MICHAEL HURLEY

25 SET NO. TWO (2)
26
27
28

1 Pursuant to Federal Rules of Civil Procedure 26 and 33 (the “Federal Rules”), Defendant
2 Facebook, Inc., by and through its undersigned counsel, hereby propounds the following second set
3 of interrogatories (“Interrogatories”) on Plaintiff Michael Hurley to be answered separately and under
4 oath, within thirty (30) days after service hereof. For purposes of these Interrogatories, the following
5 definitions and instructions shall apply:

6 **DEFINITIONS**

7 1. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
8 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH, now pending in the United States
9 District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
10 Hamilton.

11 2. “YOU,” “YOUR,” and/or “YOURSELF” refers to Michael Hurley, a Plaintiff in the
12 ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall include
13 those in YOUR possession, custody, or control, as well as all DOCUMENTS in the possession,
14 custody or control of YOUR past and present attorneys, agents, employees, accountants, spouses,
15 financial or tax advisors, or any other persons and/or entities purporting to act on YOUR behalf.

16 3. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
17 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

18 4. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
19 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
20 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
21 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;
22 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
23 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
24 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing
25 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,
26 however produced or reproduced; and any paper or writing of whatever description, including any
27 computer database or information contained in any computer although not yet printed out.

28 “DOCUMENT” and “DOCUMENTS” specifically include all e-mail accounts of YOU and YOUR

1 representatives and/or agents. A draft or nonidentical copy is a separate document within the
2 meaning of this term.

3 5. "FACEBOOK" refers to Facebook, Inc., the Defendant in this ACTION, and anyone
4 acting on FACEBOOK's behalf, as well as www.facebook.com and any FACEBOOK mobile
5 application.

6 6. "PERSON" or "PERSONS" means an individual, or any public or private organization
7 or entity, including an agency, commission, committee, partnership, joint venture, corporation,
8 association, trust, estate, political subdivision, department, office, or board or any similar entity.

9 7. If YOU are asked to "IDENTIFY" information in response to an Interrogatory, YOUR
10 response should be complete and include:

11 a. in the case of an individual, the identification should include the full name
12 (including any maiden name, prior name, "nickname," or variation in spelling) and present or last
13 known home or business address;

14 b. in the case of an organization or entity, the identification should include the
15 full name of the organization or entity and the present or last known address(es) of its place(s) of
16 business;

17 c. in the case of DOCUMENTS, the identification should include a complete
18 description setting forth the title (if any), date, author, recipient, general subject matter, present
19 location(s), and present custodian(s);

20 d. in the case of a transaction, occurrence, or instance of any behavior, the
21 identification should include the date, persons involved, place of occurrence, and a complete
22 description of all DOCUMENTS related thereto; and

23 e. in the case of a fact (or all facts), the identification should include YOUR basis
24 for asserting that fact, all persons who have discoverable knowledge concerning that fact, and all
25 DOCUMENTS relating to that fact, regardless of whether they support or contradict the fact.

26 **INSTRUCTIONS**

27 1. The numbered headings in the Interrogatories below are for convenience only and are
28 not intended or to be read as limiting the scope or meaning of any request for response thereunder.

1 2. YOU are to answer each Interrogatory separately and as completely as possible.

2 3. In answering these Interrogatories, furnish all information that is available to YOU,
3 including information in the possession of anyone acting on YOUR behalf, and not merely such
4 information known of YOUR own personal knowledge. If YOU cannot answer the Interrogatories in
5 full after exercising due diligence to secure the information to do so, YOU must answer to the extent
6 possible and explain why YOUR answer is not complete.

7 4. These Interrogatories should be construed as broadly as possible with all doubts
8 resolved in favor of production. The words “all,” “any,” “each,” “and,” and “or” shall be construed
9 conjunctively or disjunctively as necessary to make the Interrogatories inclusive rather than
10 exclusive. Except as specifically provided in these Interrogatories, words imparting the singular shall
11 include the plural and vice versa, where appropriate. Except as specifically provided in these
12 Interrogatories, words imparting the present tense shall also include the past and future tenses and
13 vice versa, where appropriate.

14 5. If any response requested by any Interrogatory is withheld under a claim of privilege,
15 YOU must set forth the information necessary for FACEBOOK to ascertain whether the privilege
16 properly applies, including, but not limited to, describing the matter withheld, stating the privilege
17 being relied upon, and identifying all PERSONS (by name, title, address, company (if applicable),
18 and relationship to YOU) who have or have had access to said matter (including but not limited to all
19 the identity(ies) of the author(s) or maker(s), recipient(s), and carbon copy recipient(s)), the
20 applicable date(s), and the subject matter(s) in a privilege log.

21 6. If any portion of any response to these Interrogatories is withheld under a claim of
22 privilege, any non-privileged portion of such response must be produced.

23 7. If the answer to any Interrogatory is that YOU lack knowledge of some or all of the
24 requested information, describe all efforts made by YOU to obtain the information necessary to
25 answer the Interrogatory.

26 8. The fact that YOUR investigation is continuing or that discovery is not complete does
27 not excuse YOU from answering each Interrogatory based on the knowledge YOU currently have.

28

1 However, if YOUR investigation is continuing or discovery is not complete with respect to the matter
2 inquired into, please state as much in YOUR answer.

3 9. Whenever an Interrogatory may be answered by referring to a DOCUMENT, the
4 DOCUMENT should be attached as an exhibit to the response and referred to in YOUR response. If
5 the DOCUMENT has more than one page, please refer to the page and section where the answer to
6 the Interrogatory can be found.

7 10. YOUR response to each Interrogatory shall identify each individual who supplied
8 information for, or participated or assisted in, the preparation of YOUR response.

9 11. If YOU object to a portion of any Interrogatory, then YOU should answer any portion
10 of the Interrogatory to which YOU have no objection.

11 12. If YOU conclude that any Interrogatory, Definition, or Instruction is ambiguous, then
12 state in YOUR answer the matter deemed ambiguous and the construction YOU employed in
13 answering the Interrogatory.

14 13. Interrogatories calling for numerical or chronological information shall be deemed, to
15 the extent that precise figures or dates are not known, to call for estimates. In each instance that an
16 estimate is given, it should be identified as such together with the source of information underlying
17 the estimate.

18 14. These Interrogatories are to be regarded as continuing pursuant to Rule 26(e) of the
19 Federal Rules. YOU are required to provide, by way of supplementary responses hereto, such
20 additional information as may be obtained by YOU or any PERSON acting on YOUR behalf that will
21 augment or modify YOUR answers now given to the following Interrogatories. Pursuant to Rule
22 26(e) of the Federal Rules, YOU are required to supplement these responses without a specific
23 request from FACEBOOK.

INTERROGATORIES

INTERROGATORY NO. 13

26 If YOUR response to any Request for Admission is anything other than an unqualified
27 admission, IDENTIFY all material facts supporting YOUR response.

1 **INTERROGATORY NO. 14**

2 IDENTIFY the declaratory and injunctive relief that YOU and the putative class seek in this
3 ACTION.

4 DATED: September 11, 2015

GIBSON, DUNN & CRUTCHER LLP

5 By: _____ /s/
6 Joshua A. Jessen

7 Attorneys for Defendant FACEBOOK, INC.
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1 **PROOF OF SERVICE**

2 I, Ashley M. Rogers, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On September 11, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S SECOND SET OF INTERROGATORIES**
6 **TO PLAINTIFF MICHAEL HURLEY**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11 Melissa Ann Gardner
mgardner@lchb.com
12 Nicholas Diamand
ndiamand@lchb.com
13 Rachel Geman
rgeman@lchb.com
14 Michael W. Sobol
15 Lieff Cabraser Heimann & Bernstein, LLP
msobol@lchb.com

16
17 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
18 agreement of the parties to accept service by electronic transmission, I caused the documents to
be sent to the persons at the electronic notification addresses as shown above.

19 I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on September 11, 2015.

22 _____
23 /s/
Ashley M. Rogers

1 GIBSON, DUNN & CRUTCHER LLP
JOSHUA A. JESSEN, SBN 222831
2 JJessen@gibsondunn.com
JEANA BISNAR MAUTE, SBN 290573
3 JBisnarMaute@gibsondunn.com
ASHLEY M. ROGERS, SBN 286252
4 ARogers@gibsondunn.com
1881 Page Mill Road
5 Palo Alto, California 94304
Telephone: (650) 849-5300
6 Facsimile: (650) 849-5333

7 GIBSON, DUNN & CRUTCHER LLP
GAIL E. LEES, SBN 90363
8 GLees@gibsondunn.com
CHRISTOPHER CHORBA, SBN 216692
9 CChorba@gibsondunn.com
333 South Grand Avenue
10 Los Angeles, California 90071
Telephone: (213) 229-7000
11 Facsimile: (213) 229-7520

12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW CAMPBELL, MICHAEL
17 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S
SECOND SET OF INTERROGATORIES
TO PLAINTIFF MATTHEW CAMPBELL**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MATTHEW CAMPBELL

25 SET NO. TWO (2)
26
27
28

1 Pursuant to Federal Rules of Civil Procedure 26 and 33 (the “Federal Rules”), Defendant
2 Facebook, Inc., by and through its undersigned counsel, hereby propounds the following second set
3 of interrogatories (“Interrogatories”) on Plaintiff Matthew Campbell to be answered separately and
4 under oath, within thirty (30) days after service hereof. For purposes of these Interrogatories, the
5 following definitions and instructions shall apply:

6 **DEFINITIONS**

7 1. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
8 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH, now pending in the United States
9 District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
10 Hamilton.

11 2. “YOU,” “YOUR,” and/or “YOURSELF” refers to Matthew Campbell, a Plaintiff in
12 the ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall
13 include those in YOUR possession, custody, or control, as well as all DOCUMENTS in the
14 possession, custody or control of YOUR past and present attorneys, agents, employees, accountants,
15 spouses, financial or tax advisors, or any other persons and/or entities purporting to act on YOUR
16 behalf.

17 3. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
18 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

19 4. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
20 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
21 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
22 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;
23 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
24 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
25 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing
26 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,
27 however produced or reproduced; and any paper or writing of whatever description, including any
28 computer database or information contained in any computer although not yet printed out.

1 “DOCUMENT” and “DOCUMENTS” specifically include all e-mail accounts of YOU and YOUR
2 representatives and/or agents. A draft or nonidentical copy is a separate document within the
3 meaning of this term.

4 5. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
5 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
6 application.

7 6. “PERSON” or “PERSONS” means an individual, or any public or private organization
8 or entity, including an agency, commission, committee, partnership, joint venture, corporation,
9 association, trust, estate, political subdivision, department, office, or board or any similar entity.

10 7. If YOU are asked to “IDENTIFY” information in response to an Interrogatory, YOUR
11 response should be complete and include:

12 a. in the case of an individual, the identification should include the full name
13 (including any maiden name, prior name, “nickname,” or variation in spelling) and present or last
14 known home or business address;

15 b. in the case of an organization or entity, the identification should include the
16 full name of the organization or entity and the present or last known address(es) of its place(s) of
17 business;

18 c. in the case of DOCUMENTS, the identification should include a complete
19 description setting forth the title (if any), date, author, recipient, general subject matter, present
20 location(s), and present custodian(s);

21 d. in the case of a transaction, occurrence, or instance of any behavior, the
22 identification should include the date, persons involved, place of occurrence, and a complete
23 description of all DOCUMENTS related thereto; and

24 e. in the case of a fact (or all facts), the identification should include YOUR basis
25 for asserting that fact, all persons who have discoverable knowledge concerning that fact, and all
26 DOCUMENTS relating to that fact, regardless of whether they support or contradict the fact.

27
28

INSTRUCTIONS

1
2 1. The numbered headings in the Interrogatories below are for convenience only and are
3 not intended or to be read as limiting the scope or meaning of any request for response thereunder.

4 2. YOU are to answer each Interrogatory separately and as completely as possible.

5 3. In answering these Interrogatories, furnish all information that is available to YOU,
6 including information in the possession of anyone acting on YOUR behalf, and not merely such
7 information known of YOUR own personal knowledge. If YOU cannot answer the Interrogatories in
8 full after exercising due diligence to secure the information to do so, YOU must answer to the extent
9 possible and explain why YOUR answer is not complete.

10 4. These Interrogatories should be construed as broadly as possible with all doubts
11 resolved in favor of production. The words “all,” “any,” “each,” “and,” and “or” shall be construed
12 conjunctively or disjunctively as necessary to make the Interrogatories inclusive rather than
13 exclusive. Except as specifically provided in these Interrogatories, words imparting the singular shall
14 include the plural and vice versa, where appropriate. Except as specifically provided in these
15 Interrogatories, words imparting the present tense shall also include the past and future tenses and
16 vice versa, where appropriate.

17 5. If any response requested by any Interrogatory is withheld under a claim of privilege,
18 YOU must set forth the information necessary for FACEBOOK to ascertain whether the privilege
19 properly applies, including, but not limited to, describing the matter withheld, stating the privilege
20 being relied upon, and identifying all PERSONS (by name, title, address, company (if applicable),
21 and relationship to YOU) who have or have had access to said matter (including but not limited to all
22 the identity(ies) of the author(s) or maker(s), recipient(s), and carbon copy recipient(s)), the
23 applicable date(s), and the subject matter(s) in a privilege log.

24 6. If any portion of any response to these Interrogatories is withheld under a claim of
25 privilege, any non-privileged portion of such response must be produced.

26 7. If the answer to any Interrogatory is that YOU lack knowledge of some or all of the
27 requested information, describe all efforts made by YOU to obtain the information necessary to
28 answer the Interrogatory.

1 8. The fact that YOUR investigation is continuing or that discovery is not complete does
2 not excuse YOU from answering each Interrogatory based on the knowledge YOU currently have.
3 However, if YOUR investigation is continuing or discovery is not complete with respect to the matter
4 inquired into, please state as much in YOUR answer.

5 9. Whenever an Interrogatory may be answered by referring to a DOCUMENT, the
6 DOCUMENT should be attached as an exhibit to the response and referred to in YOUR response. If
7 the DOCUMENT has more than one page, please refer to the page and section where the answer to
8 the Interrogatory can be found.

9 10. YOUR response to each Interrogatory shall identify each individual who supplied
10 information for, or participated or assisted in, the preparation of YOUR response.

11 11. If YOU object to a portion of any Interrogatory, then YOU should answer any portion
12 of the Interrogatory to which YOU have no objection.

13 12. If YOU conclude that any Interrogatory, Definition, or Instruction is ambiguous, then
14 state in YOUR answer the matter deemed ambiguous and the construction YOU employed in
15 answering the Interrogatory.

16 13. Interrogatories calling for numerical or chronological information shall be deemed, to
17 the extent that precise figures or dates are not known, to call for estimates. In each instance that an
18 estimate is given, it should be identified as such together with the source of information underlying
19 the estimate.

20 14. These Interrogatories are to be regarded as continuing pursuant to Rule 26(e) of the
21 Federal Rules. YOU are required to provide, by way of supplementary responses hereto, such
22 additional information as may be obtained by YOU or any PERSON acting on YOUR behalf that will
23 augment or modify YOUR answers now given to the following Interrogatories. Pursuant to Rule
24 26(e) of the Federal Rules, YOU are required to supplement these responses without a specific
25 request from FACEBOOK.

INTERROGATORIES

INTERROGATORY NO. 14

28 If YOUR response to any Request for Admission is anything other than an unqualified

1 **PROOF OF SERVICE**

2 I, Ashley M. Rogers, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On September 11, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S SECOND SET OF INTERROGATORIES**
6 **TO PLAINTIFF MATTHEW CAMPBELL**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11
12 Melissa Ann Gardner
mgardner@lchb.com
13 Nicholas Diamand
ndiamand@lchb.com
14 Rachel Geman
rgeman@lchb.com
15 Michael W. Sobol
Lieff Cabraser Heimann & Bernstein, LLP
16 msobol@lchb.com

17 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
18 agreement of the parties to accept service by electronic transmission, I caused the documents to
19 be sent to the persons at the electronic notification addresses as shown above.

20 I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on September 11, 2015.

23 _____
/s/
Ashley M. Rogers

1 GIBSON, DUNN & CRUTCHER LLP
JOSHUA A. JESSEN, SBN 222831
2 JJessen@gibsondunn.com
JEANA BISNAR MAUTE, SBN 290573
3 JBisnarMaute@gibsondunn.com
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9 CChorba@gibsondunn.com
333 South Grand Avenue
10 Los Angeles, California 90071
Telephone: (213) 229-7000
11 Facsimile: (213) 229-7520

12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW CAMPBELL, MICHAEL
17 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S FIRST
SET OF REQUESTS FOR ADMISSION TO
PLAINTIFF MICHAEL HURLEY**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MICHAEL HURLEY

25 SET NO. ONE (1)
26
27
28

1 Pursuant to Federal Rules of Civil Procedure 26 and 36 (the “Federal Rules”) and the Local
2 Rules of this Court (the “Local Rules”), Defendant Facebook, Inc. hereby requests that Plaintiff
3 Michael Hurley respond to the following Requests for Admission (the “Requests”) within thirty (30)
4 days of service. The Requests are to be read in accordance with the definitions that follow, as well as
5 the applicable Federal Rules and Local Rules.

6 **DEFINITIONS**

7 For purposes of these Requests, the following definitions apply:

8 1. The definitions and rules of construction set forth in Rule 36 of the Federal Rules are
9 incorporated herein.

10 2. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
11 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH (MEJ), now pending in the United
12 States District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
13 Hamilton.

14 3. “YOU,” “YOUR,” and/or “YOURSELF” refers to Michael Hurley, a Plaintiff in the
15 ACTION, and anyone acting on YOUR behalf.

16 4. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
17 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

18 5. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
19 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
20 application.

21 6. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
22 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
23 by sending or receiving a message.

24 7. “URL” refers to a Uniform Resource Locator, which is a reference to a resource on the
25 Internet.

26 **INSTRUCTIONS**

27 1. Each request is required to be answered on the basis of YOUR entire knowledge.

28 2. The terms “and” and “or” are to be read in both the conjunctive and disjunctive and

1 shall encompass all information that would be responsive under a conjunctive reading and all
2 information that would be responsive under a disjunctive reading.

3 3. The singular form of any noun or pronoun includes, where appropriate, the plural
4 form, and vice versa, to encompass the broadest interpretation reasonable for each Request.

5 4. If YOUR response to any request for admission is anything but an unqualified
6 admission, YOU shall identify such part of the request for admission and state your good faith
7 basis for not admitting the request.

8 5 These Requests are continuing in nature pursuant to Rule 26 of the Federal Rules of
9 Civil Procedure, and they require timely supplementation if YOU obtain further responsive
10 information or determine that YOUR existing responses are inaccurate, inadequate, or
11 incomplete.

12 6. If YOU withhold under a claim of privilege or other protection any information
13 sought by these requests, furnish a list specifying the information for which the privilege or
14 protection is claimed, together with the following data: (a) the source of the information and his
15 or her job title; (b) the name and job title of each person to whom the information was furnished;
16 (c) the date the information was furnished and/or originated; (d) the subject matter of the
17 information; (e) the privilege claimed; (f) the asserted basis on which privilege is claimed; and
18 (g) the request to which such information responds.

19 7. If YOU withhold for any other reason any information sought by these requests,
20 furnish a list specifying the information withheld, together with the following data: (a) the
21 source of the information and his or her job title; (b) the name and job title of each person to
22 whom the information was furnished; (c) the date that the information was furnished and/or
23 originated; (d) the subject matter of the information; (e) the asserted basis for withholding the
24 information; and (f) the request to which such information responds.

25 8. If YOU refuse to produce information on the ground that compliance would be
26 unduly burdensome, set forth with particularity the search that would need to be conducted,
27 including the number of person hours and the costs that would be involved in conducting the
28 search.

1 **PROOF OF SERVICE**

2 I, Ashley M. Rogers, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On September 11, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR**
6 **ADMISSION TO PLAINTIFF MICHAEL HURLEY**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11 Melissa Ann Gardner
mgardner@lchb.com
12 Nicholas Diamand
ndiamand@lchb.com
13 Rachel Geman
rgeman@lchb.com
14 Michael W. Sobol
15 Lieff Cabraser Heimann & Bernstein, LLP
msobol@lchb.com

16
17 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
18 agreement of the parties to accept service by electronic transmission, I caused the documents to
be sent to the persons at the electronic notification addresses as shown above.

19 I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on September 11, 2015.

22 _____
23 /s/
Ashley M. Rogers