

# EXHIBIT 1

## Gardner, Melissa

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**From:** Hank Bates <hbates@cbplaw.com>  
**Sent:** Thursday, September 10, 2015 11:39 AM  
**To:** Jessen, Joshua A.; Chorba, Christopher; Maute, Jeana Bisnar; Rogers, Ashley; Rajagopalan, Priyanka  
**Cc:** Sobol, Michael W.; Gardner, Melissa; Allen Carney; David Slade; Diamand, Nicholas; Rudolph, David T.  
**Subject:** RE: Campbell v. Facebook  
**Categories:** Red Category

Josh,

Thank you for your email and your proposed compromise schedule. However, in light of the significant ongoing deficiencies in Facebook's production, Plaintiffs intend to move the Court for a 90-day extension of the class certification and summary judgment deadlines, and also to request a case management conference to apprise the Court of the status of discovery. If Facebook reconsiders its position, please let me know as we intend to file shortly.

Thank you for providing proposed dates for the deponents. Plaintiffs will take the depositions of Ray He and Mike Vernal on September 25 and 30. However, with respect to Alex Himel, in light of the fact that on Tuesday Mr. Himel provided the verification for Facebook's interrogatory responses and yesterday Facebook designated Mr. Himel on three of Plaintiffs' 30(b)(6) topics, as well as continuing deficiencies in Facebook's document production related to these topics, the deposition of Mr. Himel will not go forward next week. Moreover, given that Mr. Himel verified the related interrogatory responses, he is the appropriate 30(b)(6) designee for topics 1 and 2. For efficiency we need to resolve our dispute as to these topics prior to his deposition. Finally, in light of Mr. Himel's declaration, his status as the verifier of Facebook's interrogatory response, and the fact that he is a 30(b)(6) designee for multiple topics, Plaintiffs will require two days to depose him; if Facebook intends to object to providing Mr. Himel for two days please let us know that now so we can raise the issue with the Court.

In response to your inquiry, we do intend to pursue 30(b)(6) topic 4. Please identify the designee and potential deposition dates.

Your email was silent as to 30(b)(6) topics 1 and 2. Do you have any response to David Rudolph's 9/4/15 email proposing a potential compromise related to these topics? If Facebook has no interest in exploring this proposal, please inform us now so we can move forward with raising the issue with the Court. On the other hand, if there is interest, we would like to proceed quickly with discussions.

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**From:** Jessen, Joshua A. [mailto:JJessen@gibsondunn.com]  
**Sent:** Wednesday, September 09, 2015 2:12 PM

**To:** Hank Bates <hbates@cbplaw.com>; Chorba, Christopher <CChorba@gibsondunn.com>; Maute, Jeana Bisnar <jbisnarmaute@gibsondunn.com>; Rogers, Ashley <ARogers@gibsondunn.com>; Rajagopalan, Priyanka <PRajagopalan@gibsondunn.com>  
**Cc:** Sobol, Michael W. <MSOBOL@lchb.com>; Gardner, Melissa <mgardner@lchb.com>; Allen Carney <acarney@cbplaw.com>; David Slade <dslade@cbplaw.com>; Diamand, Nicholas <ndiamand@lchb.com>; Rudolph, David T. <drudolph@lchb.com>  
**Subject:** RE: Campbell v. Facebook

Dear Hank –

Thank you for your e-mail. We have now had an opportunity to consult with our client, and while we do not believe any extension is warranted (let alone the 3-month extension that you request), in the interests of compromise, we are willing to agree to a 30-day extension of the deadlines, if Plaintiffs agree not to use this additional time to serve additional written discovery requests and/or notice further depositions (beyond the five depositions previously discussed, and excepting experts).

The following revision to the schedule should work:

<u>Event</u>	<u>Date</u>
Deadline for Plaintiffs to file Motion for Class Certification and all supporting declarations, evidence, and other papers	November 13, 2015
Defendant's Motion for Summary Judgment (against named Plaintiffs)	November 13, 2015
Deadline for Facebook to file Opposition to Motion for Class Certification and supporting declarations, evidence, and other papers	January 20, 2016
Plaintiffs' Opposition to Defendant's Motion for Summary Judgment (against named Plaintiffs)	January 20, 2016
Deadline for Plaintiffs to file Reply in Support of Motion for Class Certification	February 26, 2016
Defendant's Reply in Support of Motion for Summary Judgment (against named Plaintiffs)	February 26, 2016
Hearing on Motion for Class Certification / Defendant's Motion for Summary Judgment (against named Plaintiffs)	March 23, 2016, at 9:00 a.m., or as the Court's calendar permits

Regarding depositions, I also can now provide you with dates and locations for the following witnesses:

- Alex Himel – September 16 @ Gibson's SF or PA office (We are checking with the witness on his preference and will let you know once we have it.)
- Ray He – September 25 @ Gibson's PA office
- Mike Vernal – September 30 @ Gibson's SF office.

We are checking on Mark Kinsey's availability and will get back to you as soon as we can.

Alex Himel and Ray He will serve as Facebook's designees for the Rule 30(b)(6) deposition (with Mr. Himel to cover, subject to any objections, topics 5-7, and Mr. He to cover, subject to any objections, topic 3), and we propose covering

those topics at the same time as their respective depositions. Also, as discussed last week, if there are additional 30(b)(6) topics for which Plaintiffs intend to seek testimony, please let us know immediately so that we may take this into account in preparing our witnesses. Please also let us know if you intend to pursue topic 4. As we discussed on our call, Facebook objects to seriatim Rule 30(b)(6) depositions.

If the 30-day extension is agreeable, please prepare a stipulation and proposed order for our review.

Please let me know if you have any questions.

Thanks,

Josh

**Joshua A. Jessen**

## **GIBSON DUNN**

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**From:** Hank Bates [<mailto:hbates@cbplaw.com>]

**Sent:** Friday, September 04, 2015 10:40 AM

**To:** Chorba, Christopher; Jessen, Joshua A.; Maute, Jeana Bisnar; Rogers, Ashley; Rajagopalan, Priyanka

**Cc:** Sobol, Michael W.; Gardner, Melissa; Allen Carney; David Slade; Diamand, Nicholas; Rudolph, David T.

**Subject:** Campbell v. Facebook

Counsel,

As we discussed in the meet and confer on Wednesday Plaintiffs intend to seek an extension of the deadlines related to motions for summary judgment and class certification. Specifically, we will request a roughly 90-day extension to January 15<sup>th</sup> for the initial motions, with the same extension for the opposition and reply deadlines. We intend to file by next Thursday.

In our meet and confer we expressed our preference that we seek the extension jointly. You agreed to check with your client but anticipated that your client wanted some assurances that the extension would not precipitate an expansion of the scope of the discovery previously propounded. With this email, I am providing that assurance. Plaintiffs do not intend to propound additional interrogatories or requests for production prior to the class certification and summary judgment deadlines. The purpose of the extension request is to complete discovery into topics already covered by the current discovery requests and to schedule and take depositions. Five depositions have been informally noticed, including the Rule 30(b)(6). Depending upon how these go, we may notice a few more before the motions deadlines.

Please let us know by Wednesday (9/9) noon whether Facebook is agreeable to an extension. Given the time constraints, we want to get the motion on file by September 10<sup>th</sup> and a contested motion will require more documented support.

Enjoy your holiday weekend.

Hank Bates  
Carney Bates & Pulliam PLLC

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