

EXHIBIT D

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 MATTHEW CAMPBELL, MICHAEL
19 HURLEY, and DAVID SHADPOUR,

20 Plaintiffs,

21 v.

22 FACEBOOK, INC.,

23 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' SECOND SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

1 Defendant Facebook, Inc. (“Defendant” or “Facebook”), by and through its attorneys, and
2 pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Local Civil Rules of the U.S.
3 District Court for the Northern District of California, the Court orders in this action, and the parties’
4 agreements and conferences among counsel, provides the following responses and objections to
5 Plaintiffs’ Second Set of Requests for Production of Documents (the “Requests”).

6 **PRELIMINARY STATEMENT**

7 1. Facebook’s responses to the Requests are made to the best of Facebook’s current
8 knowledge, information, and belief. Facebook reserves the right to supplement or amend any
9 responses should future investigation indicate that such supplementation or amendment is necessary.

10 2. Facebook’s responses to the Requests are made solely for the purpose of and in
11 relation to this action. Each response is given subject to all appropriate objections (including, but not
12 limited to, objections concerning privilege, competency, relevancy, materiality, propriety, and
13 admissibility). All objections are reserved and may be interposed at any time.

14 3. Facebook’s responses are premised on its understanding that Plaintiffs seek only that
15 information that is within Facebook’s possession, custody, and control.

16 4. Facebook incorporates by reference each and every general objection set forth below
17 into each and every specific response. From time to time, a specific response may repeat a general
18 objection for emphasis or some other reason. The failure to include any general objection in any
19 specific response shall not be interpreted as a waiver of any general objection to that response.

20 5. Nothing contained in these Responses and Objections or provided in response to the
21 Requests consists of, or should be construed as, an admission relating to the accuracy, relevance,
22 existence, or nonexistence of any alleged facts or information referenced in any Request.

23 **GENERAL OBJECTIONS**

24 1. Facebook objects to each Request, including the Definitions and Instructions, to the
25 extent that it purports to impose obligations beyond those imposed by the Federal Rules of Civil
26 Procedure, the Federal Rules of Evidence, the Local Civil Rules of the U.S. District Court for the
27 Northern District of California, and any agreements between the parties.

1 2. Facebook objects to each Request to the extent that it is not limited to the relevant
2 time period, thus making the Request overly broad, unduly burdensome, and not relevant to the
3 claims or defenses in this action. Unless otherwise specified in its responses, and pursuant to the
4 agreement of the parties, Facebook's responses will be limited to information generated between
5 April 1, 2010 and December 30, 2013.

6 3. Facebook objects to each Request to the extent that it seeks information unrelated and
7 irrelevant to the claims or defenses in this litigation and not reasonably calculated to lead to the
8 discovery of admissible evidence.

9 4. Facebook objects to each Request as overly broad and unduly burdensome,
10 particularly in view of Facebook's disproportionate cost necessary to investigate as weighed against
11 Plaintiffs' need for the information. For example, many of the Requests seek broad and vaguely
12 defined categories of materials that are not reasonably tailored to the subject matter of this action.

13 5. Facebook objects to each Request to the extent that it purports to request the
14 identification and disclosure of information or documents that were prepared in anticipation of
15 litigation, constitute attorney work product, reveal privileged attorney-client communications, or are
16 otherwise protected from disclosure under any applicable privileges, laws, or rules. Facebook hereby
17 asserts all such applicable privileges and protections, and excludes privileged and protected
18 information from its responses to each Request. *See generally* Fed. R. Evid. 502; Cal. Code Evid.
19 § 954. Inadvertent production of any information or documents that are privileged or otherwise
20 immune from discovery shall not constitute a waiver of any privilege or of any other ground for
21 objecting to the discovery with respect to such information or documents or the subject matter
22 thereof, or the right of Facebook to object to the use of any such information or documents or the
23 subject matter thereof during these or any other proceedings. In the event of inadvertent disclosure
24 of any information or inadvertent production or identification of documents or communications that
25 are privileged or otherwise immune from discovery, Plaintiffs will return the information and
26 documents to Facebook and will be precluded from disclosing or relying upon such information or
27 documents in any way.

1 6. Facebook objects to each and every Request, Definition, and Instruction to the extent
2 that it seeks information outside of Facebook’s possession, custody, and control.

3 7. Facebook objects to each Request to the extent that it requests information protected
4 by the right of privacy of Facebook and/or third parties, or information that is confidential,
5 proprietary, or competitively sensitive.

6 8. Facebook objects to each Request to the extent that it seeks documents or information
7 already in Plaintiffs’ possession or available in the public domain. Such information is equally
8 available to Plaintiffs.

9 9. Facebook objects to each Request to the extent that it calls for the production of
10 “each,” “every,” “any,” or “all” documents in cases where such a demand is overly broad and/or
11 causes undue burden and expense.

12 10. Facebook objects to the production of Documents within thirty (30) days of service
13 and will produce Documents at a mutually agreed upon time.

14 11. Facebook objects to the production of source code and/or documents or information
15 related or relating to source code. Facebook’s source code is a closely guarded trade secret, and
16 production could compromise Facebook’s efforts to ensure site integrity and protect users. The
17 burden and risks on Facebook vastly exceed any alleged probative value to Plaintiffs, who may
18 obtain the information they need through less intrusive means (such as documents relating to the
19 practices challenged in this action). This is not a patent or other intellectual property dispute in
20 which Plaintiffs assert some ownership or proprietary interest in Facebook’s source code. Production
21 of source code would require extensive time and expense for Facebook—including the negotiation of
22 a source-code-specific protective order and the implementation of detailed and time-consuming
23 protocols for handling source code material, as well as limitations on the use of source code
24 materials, expert retention, disclosure, and going-forward restrictions on the conduct of individuals
25 exposed to source code materials. Because it is inappropriate to produce source code in this action, it
26 is also inappropriate to produce documents related or relating to source code.

OBJECTIONS TO DEFINITIONS

1
2 1. Facebook generally objects to Plaintiffs’ definitions of “Communication,”
3 “Document(s),” “Electronic Media,” “ESI,” “Electronically Stored Information,” “Identify,” and
4 “Metadata” to the extent that Plaintiffs purport to use these defined terms to request the identification
5 and disclosure of documents that: (a) were prepared in anticipation of litigation; (b) constitute
6 attorney work product; (c) reveal privileged attorney-client communications; or (d) are otherwise
7 protected from disclosure under any applicable privileges, laws, and/or rules. Facebook further
8 objects to the extent that these definitions purport to impose obligations that go beyond the
9 requirements of the Federal and Local Rules.

10 2. Facebook objects to Plaintiffs’ definition and use of the term “Person” as vague,
11 ambiguous, overly broad, and unduly burdensome to the extent that Plaintiffs intend to use this term
12 to include “any natural person or any business, legal or governmental entity or association” over
13 which Facebook exercises no control.

14 3. Facebook objects to Plaintiffs’ definition of “Private Message(s)” to the extent that it
15 is vague, ambiguous, overly broad, and unduly burdensome. Facebook further objects to the
16 definition to the extent that Plaintiffs purport to use this defined term to seek materials that are not
17 relevant to the claims and defenses in this action.

18 4. Facebook objects to Plaintiffs’ definitions of “Relate(s) to,” “Related to” and
19 “Relating to” on the ground that the definitions make the Requests overly broad and unduly
20 burdensome and impose obligations that go beyond the requirements of the Federal and Local Rules.
21 Facebook shall construe these terms as commonly and ordinarily understood.

22 5. Facebook objects to Plaintiffs’ definition of “Transmission,” “Transmit,” and
23 “Transmitting” as vague, ambiguous, overly broad, and unduly burdensome. Facebook further
24 objects to the definition to the extent that Plaintiffs purport to use these defined terms to seek
25 materials that are not relevant to the claims and defenses in this action.

26 6. Facebook objects to Plaintiffs’ definition and use of the terms “You,” “Your,” or
27 “Facebook” as vague, ambiguous, overly broad, and unduly burdensome to the extent the terms are
28 meant to include “directors, officers, employees, partners, members, representatives, agents

1 (including attorneys, accountants, consultants, investment advisors or bankers), and any other person
2 purporting to act on [Facebook, Inc.’s] behalf. . . . parents, subsidiaries, affiliates, predecessor
3 entities, successor entities, divisions, departments, groups, acquired entities and/or related entities or
4 any other entity acting or purporting to act on its behalf” over which Facebook exercises no control,
5 and to the extent that Plaintiffs purport to use these terms to impose obligations that go beyond the
6 requirements of the Federal and Local Rules.

7 **OBJECTIONS TO “RULES OF CONSTRUCTION” AND INSTRUCTIONS**

8 1. Facebook objects to Plaintiffs’ “Rules of Construction” and “Instructions” to the
9 extent that they impose obligations that go beyond the requirements of the Federal and Local Rules.

10 2. Facebook objects to Plaintiffs’ Instruction No. 2 to the extent that it is not limited to
11 the relevant time period, thus making the Instruction overly broad, unduly burdensome, and not
12 relevant to the claims or defenses in this action. Unless otherwise specified in its responses, and
13 pursuant to the agreement of the parties, Facebook’s response will be limited to information
14 generated between April 1, 2010 and December 30, 2013.

15 3. Facebook objects to Plaintiffs’ Instruction No. 6 as ambiguous and unduly
16 burdensome. Facebook further objects to the Instruction to the extent it seeks the production of
17 irrelevant documents and exceeds the requirements of the Federal and Local Rules.

18 **OBJECTION TO PURPORTED “RELEVANT TIME PERIOD”**

19 Facebook objects to Plaintiffs’ proposed “Relevant Time Period” (September 26, 2006, to the
20 present) because it substantially exceeds the proposed class period identified in Plaintiffs’
21 Consolidated Amended Complaint, does not reflect the time period that is relevant to Plaintiffs’
22 claims in this action, and renders the Requests overly broad, unduly burdensome, and irrelevant.
23 Unless otherwise specified, and pursuant to the agreement of the parties, Facebook’s Responses to
24 these Requests will be limited to information generated between April 1, 2010 and December 30,
25 2013. Facebook otherwise objects to the remainder of Plaintiffs’ statement regarding the “Relevant
26 Time Period” to the extent that it purports to impose obligations beyond those imposed by the Federal
27 and Local Rules.

1 **SPECIFIC RESPONSES AND OBJECTIONS**

2 **REQUEST FOR PRODUCTION NO. 41:**

3 All Documents and ESI relied upon, reviewed, or referenced by You in answering
4 Interrogatory No. 8.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

6 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
7 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
8 forth in this Response. Facebook further objects to this Request on the following additional grounds:

9 (A) Facebook objects to this Request to the extent that it seeks documents protected from
10 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
11 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
12 documents protected by these privileges and protections.

13 (B) The Request is overly broad and unduly burdensome as to the time period and to the
14 extent it seeks “All Documents and ESI.”

15 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
16 discovery in this action, Facebook responds as follows: Facebook will meet and confer with
17 Plaintiffs’ counsel to determine the proper scope of this overly broad and ambiguous Request.

18 **REQUEST FOR PRODUCTION NO. 42:**

19 All Documents and ESI related to Communications related to using Share Objects associated
20 with URLs to increase the “Like” count of Third Party websites.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

22 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
23 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
24 forth in this Response. Facebook further objects to this Request on the following additional grounds:

25 (A) Facebook objects to this Request to the extent that it seeks documents protected from
26 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
27 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
28 documents protected by these privileges and protections.

1 (B) The Request is vague and ambiguous in its use of the terms and phrases
2 “Communications,” “Share Objects associated with URLs” and “the ‘Like’ count of Third Party
3 websites.”

4 (C) The Request is overly broad and unduly burdensome as to the time period and to the
5 extent it seeks “All Documents and ESI.”

6 (D) The Request is overly broad, unduly burdensome, and harassing in view of
7 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
8 Request seeks all documents “related to Communications related to using Share Objects associated
9 with URLs to increase the ‘Like’ count of Third Party websites,” regardless of the relevance of those
10 documents to the claims or defenses in this action.

11 (E) The Request seeks documents that reflect trade secrets, confidential, and/or
12 proprietary company information.

13 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
14 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
15 for non-privileged documents related to communications related to the processes involved in the
16 practice challenged in this action (the alleged increase in the Facebook “Like” count on a website
17 when the URL for that website was contained in a message transmitted through Facebook’s Messages
18 product) during the class period, to the extent such documents exist, are within Facebook’s custody
19 and control, have not already been produced to Plaintiffs, and can be located using a reasonable
20 search.

21 **REQUEST FOR PRODUCTION NO. 43:**

22 All Documents and ESI related to Communications related to using data or Metadata created
23 from URLs in Private Messages (including but not limited to Share Objects) for purposes other than
24 increasing the “Like” count of Third Party websites.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

26 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
27 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
28 forth in this Response. Facebook further objects to this Request on the following additional grounds:

1 (A) Facebook objects to this Request to the extent that it seeks documents protected from
2 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
3 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
4 documents protected by these privileges and protections.

5 (B) The Request is vague and ambiguous in its use of the terms and phrases
6 “Communications,” “data or Metadata created from URLs,” “Private Messages,” “Share Objects”
7 and “Third Party websites.”

8 (C) The Request is overly broad and unduly burdensome as to the time period and to the
9 extent it seeks “All Documents and ESI.”

10 (D) The Request seeks documents that reflect trade secrets, confidential, and/or
11 proprietary company information.

12 (E) The burden and risks on Facebook in producing this information vastly exceed any
13 alleged probative value to Plaintiffs. Production of all documents “related to Communications
14 related to” using data from URLs in Facebook messages “for purposes other than increasing the
15 ‘Like’ count of Third Party websites” would require Facebook to disclose sensitive company trade
16 secrets that are necessary to protect Facebook users and to protect the overall integrity and security of
17 the site for users.

18 (F) The Request seeks documents that are not relevant to the claims or defenses in this
19 action and are not reasonably calculated to lead to the discovery of admissible evidence.

20 (G) The Request seeks to impose obligations that go beyond the requirements of the
21 Federal and Local Rules.

22 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
23 discovery in this action, Facebook responds as follows: Facebook will meet and confer with
24 Plaintiffs’ counsel to determine the proper scope of this overly broad and ambiguous Request.

25 **REQUEST FOR PRODUCTION NO. 44:**

26 All Documents and ESI related to Communications related to “receiv[ing] data” (as the term
27 is used in Your Data Use Policy updated on November 15, 2013) or “collect[ing]...content” (as the
28 term is used in Your present Data Use Policy) from Private Messages.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

2 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
3 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
4 forth in this Response. Facebook further objects to this Request on the following additional grounds:

5 (A) Facebook objects to this Request to the extent that it seeks documents protected from
6 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
7 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
8 documents protected by these privileges and protections.

9 (B) The Request is vague and ambiguous in its use of the terms “Communications” and
10 “Private Messages.”

11 (C) The Request is overly broad and unduly burdensome as to the time period and to the
12 extent it seeks “All Documents and ESI.”

13 (D) The Request is overly broad, unduly burdensome, and harassing in view of
14 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
15 Request purports to seek all documents related to communications related to “receiv[ing] data” (as
16 that term is used in Facebook’s Data Use Policy updated on November 15, 2013) or
17 “collect[ing]...content” (as the term is used in Facebook’s current Data Policy) from Facebook
18 messages, regardless of the relevance of those documents to the claims or defenses in this action.

19 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
20 discovery in this action, Facebook responds as follows: Facebook will meet and confer with
21 Plaintiffs’ counsel to determine the proper scope of this overly broad and ambiguous Request.

22 **REQUEST FOR PRODUCTION NO. 45:**

23 All Documents and ESI sufficient to identify all changes made to Your Data Use Policy since
24 the initiation of this Action.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

26 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
27 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
28 forth in this Response. Facebook further objects to this Request on the following additional grounds:

1 (A) Facebook objects to this Request to the extent that it seeks documents protected from
2 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
3 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
4 documents protected by these privileges and protections.

5 (B) The Request is overly broad and unduly burdensome as to the time period and to the
6 extent it seeks “All Documents and ESI.”

7 (C) The Request seeks public and/or third party information that is equally available to
8 Plaintiffs.

9 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
10 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
11 for non-privileged documents sufficient to identify changes made to Facebook’s Data Use Policy
12 since December 30, 2013, to the extent such documents exist, are within Facebook’s custody and
13 control, have not already been produced to Plaintiffs, and can be located using a reasonable search.

14 **REQUEST FOR PRODUCTION NO. 46:**

15 All Documents and ESI sufficient to identify any changes to Your Data Use Policy that were
16 considered or proposed but not ultimately adopted, since the initiation of this Action.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

18 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
19 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
20 forth in this Response. Facebook further objects to this Request on the following additional grounds:

21 (A) Facebook objects to this Request to the extent that it seeks documents protected from
22 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
23 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
24 documents protected by these privileges and protections.

25 (B) The Request is vague and ambiguous in its use of the phrases “considered or
26 proposed” and “ultimately adopted.”

27 (C) The Request is overly broad and unduly burdensome as to the time period and to the
28 extent it seeks “All Documents and ESI.”

1 (D) The Request is overly broad, unduly burdensome, and harassing in view of
2 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
3 Request seeks all documents identifying changes to Facebook’s Data Use Policy that were
4 “considered or proposed but not ultimately adopted” since this lawsuit was filed, regardless of the
5 relevance of those documents to the claims or defenses in this action.

6 (E) The Request seeks documents that are not relevant to the claims or defenses in this
7 action and are not reasonably calculated to lead to the discovery of admissible evidence.

8 (F) The Request seeks to impose obligations that go beyond the requirements of the
9 Federal and Local Rules.

10 **REQUEST FOR PRODUCTION NO. 47:**

11 All Documents and ESI sufficient to identify all changes made to Your Statement of Rights
12 and Responsibilities since the initiation of this Action.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

14 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
15 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
16 forth in this Response. Facebook further objects to this Request on the following additional grounds:

17 (A) Facebook objects to this Request to the extent that it seeks documents protected from
18 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
19 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
20 documents protected by these privileges and protections.

21 (B) The Request is overly broad and unduly burdensome as to the time period and to the
22 extent it seeks “All Documents and ESI.”

23 (C) The Request seeks public and/or third party information that is equally available to
24 Plaintiffs.

25 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
26 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
27 for non-privileged documents sufficient to identify changes made to Facebook’s Statement of Rights
28 and Responsibilities since December 30, 2013, to the extent such documents exist, are within

1 Facebook's custody and control, have not already been produced to Plaintiffs, and can be located
2 using a reasonable search.

3 **REQUEST FOR PRODUCTION NO. 48:**

4 All Documents and ESI sufficient to identify any changes to Your Statement of Rights and
5 Responsibilities that were considered or proposed but not ultimately adopted, since the initiation of
6 this Action.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

8 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
9 to "Rules of Construction," Instructions, and Purported "Relevant Time Period" as though fully set
10 forth in this Response. Facebook further objects to this Request on the following additional grounds:

11 (A) Facebook objects to this Request to the extent that it seeks documents protected from
12 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
13 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
14 documents protected by these privileges and protections.

15 (B) The Request is vague and ambiguous in its use of the phrases "considered or
16 proposed" and "ultimately adopted."

17 (C) The Request is overly broad and unduly burdensome as to the time period and to the
18 extent it seeks "All Documents and ESI."

19 (D) The Request is overly broad, unduly burdensome, and harassing in view of
20 Facebook's cost necessary to investigate as weighed against Plaintiffs' need for the information. This
21 Request seeks all documents identifying changes to Facebook's Statement of Rights and
22 Responsibilities that were "considered or proposed but not ultimately adopted" since this lawsuit was
23 filed, regardless of the relevance of those documents to the claims or defenses in this action.

24 (E) The Request seeks documents that are not relevant to the claims or defenses in this
25 action and are not reasonably calculated to lead to the discovery of admissible evidence.

26 (F) The Request seeks to impose obligations that go beyond the requirements of the
27 Federal and Local Rules.

28

1 **REQUEST FOR PRODUCTION NO. 49:**

2 All Documents and ESI sufficient to identify all changes made to the section of Your Help
3 Center titled “How to Post and Share” since the initiation of this Action.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

5 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
6 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
7 forth in this Response. Facebook further objects to this Request on the following additional grounds:

8 (A) Facebook objects to this Request to the extent that it seeks documents protected from
9 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
10 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
11 documents protected by these privileges and protections.

12 (B) The Request is overly broad and unduly burdensome as to the time period and to the
13 extent it seeks “All Documents and ESI.”

14 (C) The Request seeks public and/or third party information that is equally available to
15 Plaintiffs.

16 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
17 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
18 for non-privileged documents sufficient to identify changes made to Facebook’s Help Center article
19 titled “How to Post and Share” since December 30, 2013, to the extent such documents exist, are
20 within Facebook’s custody and control, have not already been produced to Plaintiffs, and can be
21 located using a reasonable search.

22 **REQUEST FOR PRODUCTION NO. 50:**

23 All Documents and ESI sufficient to identify any changes to the section of Your Help Center
24 titled “How to Post and Share” that were considered or proposed but not ultimately adopted, since the
25 initiation of this Action.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

2 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
3 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
4 forth in this Response. Facebook further objects to this Request on the following additional grounds:

5 (A) Facebook objects to this Request to the extent that it seeks documents protected from
6 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
7 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
8 documents protected by these privileges and protections.

9 (B) The Request is vague and ambiguous in its use of the phrases “considered or
10 proposed” and “ultimately adopted.”

11 (C) The Request is overly broad and unduly burdensome as to the time period and to the
12 extent it seeks “All Documents and ESI.”

13 (D) The Request is overly broad, unduly burdensome, and harassing in view of
14 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
15 Request seeks all documents identifying changes to Facebook’s Help Center article titled “How to
16 Post and Share” that were “considered or proposed but not ultimately adopted” since this lawsuit was
17 filed, regardless of the relevance of those documents to the claims or defenses in this action.

18 (E) The Request seeks documents that are not relevant to the claims or defenses in this
19 action and are not reasonably calculated to lead to the discovery of admissible evidence.

20 (F) The Request seeks to impose obligations that go beyond the requirements of the
21 Federal and Local Rules.

22 **REQUEST FOR PRODUCTION NO. 51:**

23 All Documents and ESI sufficient to identify all changes made to the section of Your Help
24 Center titled “Messages” since the initiation of this Action.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

26 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
27 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
28 forth in this Response. Facebook further objects to this Request on the following additional grounds:

1 (A) Facebook objects to this Request to the extent that it seeks documents protected from
2 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
3 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
4 documents protected by these privileges and protections.

5 (B) The Request is overly broad and unduly burdensome as to the time period and to the
6 extent it seeks “All Documents and ESI.”

7 (C) The Request seeks public and/or third party information that is equally available to
8 Plaintiffs.

9 Subject to and without waiving the foregoing objections, and subject to the ongoing nature of
10 discovery in this action, Facebook responds as follows: Facebook will conduct a reasonable search
11 for non-privileged documents sufficient to identify changes made to Facebook’s Help Center article
12 titled “Messages” since December 30, 2013, to the extent such documents exist, are within
13 Facebook’s custody and control, have not already been produced to Plaintiffs, and can be located
14 using a reasonable search.

15 **REQUEST FOR PRODUCTION NO. 52:**

16 All Documents and ESI sufficient to identify any changes to the section of Your Help Center
17 titled “Messages” that were considered or proposed but not ultimately adopted, since the initiation of
18 this Action.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

20 Facebook restates and incorporates its Preliminary Statement, General Objections, Objections
21 to “Rules of Construction,” Instructions, and Purported “Relevant Time Period” as though fully set
22 forth in this Response. Facebook further objects to this Request on the following additional grounds:

23 (A) Facebook objects to this Request to the extent that it seeks documents protected from
24 disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other
25 applicable privilege, doctrine, or protection. Facebook interprets this Request as though it excludes
26 documents protected by these privileges and protections.

27 (B) The Request is vague and ambiguous in its use of the phrases “considered or
28 proposed” and “ultimately adopted.”

1 (C) The Request is overly broad and unduly burdensome as to the time period and to the
2 extent it seeks “All Documents and ESI.”

3 (D) The Request is overly broad, unduly burdensome, and harassing in view of
4 Facebook’s cost necessary to investigate as weighed against Plaintiffs’ need for the information. This
5 Request seeks all documents identifying changes to Facebook’s Help Center article titled “Messages”
6 that were “considered or proposed but not ultimately adopted” since this lawsuit was filed, regardless
7 of the relevance of those documents to the claims or defenses in this action.

8 (E) The Request seeks documents that are not relevant to the claims or defenses in this
9 action and are not reasonably calculated to lead to the discovery of admissible evidence.

10 (F) The Request seeks to impose obligations that go beyond the requirements of the
11 Federal and Local Rules.

12 DATED: June 29, 2015

GIBSON, DUNN & CRUTCHER LLP

14 By: _____ /s/

15 Joshua A. Jessen

16 Attorney for Defendant FACEBOOK, INC.

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 June 29, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S RESPONSES AND OBJECTIONS TO**
6 **PLAINTIFFS’ SECOND SET OF REQUESTS FOR PRODUCTION OF**
7 **DOCUMENTS**

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

9 David F. Slade
10 dslade@cbplaw.com
11 James Allen Carney
12 acarney@cbplaw.com
13 Joseph Henry Bates, III
14 Carney Bates & Pulliam, PLLC
15 hbates@cbplaw.com

16 Jeremy A. Lieberman
17 Pomerantz Grossman Hufford Dahlstrom & Gross LLP
18 jalieberman@pomlaw.com

19 Melissa Ann Gardner
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21 Nicholas Diamand
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- BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an 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.
- I am employed in the office of Joshua A. Jessen and am a member of the bar of this court.
- I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 29, 2015.

/s/
Ashley M. Rogers