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14   UNITED STATES DISTRICT COURT

15   NORTHERN DISTRICT OF CALIFORNIA

16   OAKLAND DIVISON

17 MATTHEW CAMPBELL, MICHAEL   Case No. C 13-05996 PJH (MEJ)
   HURLEY, and DAVID SHADPOUR,
18   **PUTATIVE CLASS ACTION**
                Plaintiffs,
19   **DEFENDANT FACEBOOK, INC.'S**
        v.   **ADMINISTRATIVE MOTION TO FILE**
20   **PORTIONS OF THE DECLARATION OF**
   FACEBOOK, INC.,   **DALE HARRISON ON BEHALF OF**
21   **DEFENDANT FACEBOOK, INC. UNDER**
                Defendant.   **SEAL**
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Gibson, Dunn &
Crutcher LLP
             DEFENDANT FACEBOOK, INC.'S ADMINISTRATIVE MOTION TO FILE PORTIONS OF THE DECLARATION OF DALE
             HARRISON ON BEHALF OF DEFENDANT FACEBOOK, INC. UNDER SEAL
             Case No. C 13-05996 PJH (MEJ)

1   Pursuant to Civil Local Rules 7-11 and 79-5, and the Amended Stipulated Protective Order

2 that was entered by the Court on July 1, 2015 (Dkt. No. 93), Defendant Facebook, Inc. ("Facebook")

3 files this administrative motion to seal portions of the Declaration of Dale Harrison on Behalf of

4 Defendant Facebook, Inc. ("Harrison Declaration"). This motion is supported by the accompanying

5 Declaration of Nikki Stitt Sokol ("Sokol Declaration").

6   A complete, unredacted version of the Harrison Declaration is attached as Exhibit A to the

7 Sokol Declaration and contains yellow highlighting to indicate where redactions are proposed. A

8 redacted version of the Harrison Declaration is attached as Exhibit B to the Sokol Declaration.

9   As this Court has explained, the presumption of public access to judicial documents in

10 connection with dispositive motions "does not apply in the same way to non-dispositive motions."

11 *Real Action Paintball, Inc. v. Advanced Tactical Ordnance Systems, LLC*, No. 14-CV-02435-MEJ,

12 2015 WL 1534049, at *2 (N.D. Cal. Apr. 2, 2015). Accordingly, "'[g]ood cause' is the proper

13 standard when parties wish to keep records attached to a non-dispositive motion under seal." *Id.*

14 ("Under the 'good cause' standard, the party seeking protection bears the burden of showing specific

15 prejudice or harm will result if no protective order is granted.").

16   Facebook respectfully submits that it has demonstrated "good cause" to file portions of the

17 Harrison Declaration under seal because these portions contain information that is privileged,

18 protectable as a trade secret or otherwise entitled to protection under the law (L.R. 79-5(b)) and

19 concerns the processes and functionality of Facebook's messages technology, release of which would

20 cause competitive harm to Facebook and compromise the security of Facebook's messages

21 technology, causing harm to Facebook and users of Facebook's products (Sokol Decl. ¶ 3). The

22 following table lists the specific portions of the Harrison Declaration that Facebook requests be filed

23 under seal:

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Page	Text
2	Text between "The information I extracted included:" and "…which would be responsive to Plaintiffs' request for information…"
3	Text between "…already produced to Plaintiffs—" and "—are the only Objects created in connection with sharing URLs in messages."

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Page	Text
3	Text between "…information I located through my extensive searching—specifically…" and "…for the 16 messages I located."
3	Text between "…that may have been created in connection with these 16 messages" and "Similarly, I am not aware of any automated…"
3-4	Text between "…billions of pieces of data per day" and "In my experience, developing such functionality…"
4	Text between "…I was required to write new software code using…" and "…to find information about the messages in Facebook's internal system."
4	Text between "I understand that this information, referred to as…" and "…was produced to Plaintiffs."
4	Text between "…I understand that Plaintiffs were unable to provide…" and "Without this data, I could not locate the message."
5	Text between "selected by Plaintiffs." and "Using this process…"
5	Text between "…locate, extract, and provide…" and "…relating to 9 of the 16 messages."
5	Text between "I understand that this information, referred to as…" and "…was produced to Plaintiffs."
5	Text between "7 of the 16 messages did not have a…" and "Using this process, I was able to locate, extract, and provide information…"
5	Text between "…and provide information relating to the 9 URLs in the 9…" and "I understand that this information…"
5	Text between "I understand that this information referred to as…" and "…was produced to Plaintiffs."
5	Text between "At the request of Facebook's counsel, after providing the above information…" and "Using this process, I was able to locate…"
5	Text between "I understand that this information, referred to as…" and "…was produced to Plaintiffs."
6	Text between "This is likely impossible. If ordered to do so…" and "…it could take hundreds of man hours to do so."
6-7	Text between "…that can use the Objects and Associations for each of these messages." and "However, the abstract hypothetical questions to all possible uses…"
7	Text between "The…" and "…documentation that Facebook has already produced…"
7	Text between "…Facebook has already produced to Plaintiffs…" and "This information should help Plaintiffs conduct…"
7	Text between "I understand that Plaintiffs have also asked Facebook to produce…" and "…for the 16 historical messages I extracted."
7	Text between "…for the 16 historical messages I extracted" and "I declare under penalty of perjury…"

1   For the reasons outlined above and in the attached Sokol Declaration, Facebook requests that

2   the Court order that the above portions of the Harrison Declaration be filed under seal.

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4   Dated: October 6, 2015   Respectfully submitted,

5   GIBSON, DUNN & CRUTCHER LLP

6   By: */s/ Joshua A. Jessen*
                                                                Joshua A. Jessen

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                                                         Attorneys for Defendant FACEBOOK, INC.
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DEFENDANT FACEBOOK, INC.'S ADMINISTRATIVE MOTION TO FILE PORTIONS OF THE DECLARATION OF DALE
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