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

17 MATTHEW CAMPBELL, MICHAEL
 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DECLARATION OF NIKKI STITT
 SOKOL IN SUPPORT OF PLAINTIFFS’
 ADMINISTRATIVE MOTION TO FILE
 DOCUMENTS UNDER SEAL – DKT. NO.
 127**

1 I, Nikki Stitt Sokol, declare as follows:

2 1. I am Associate General Counsel for Litigation for Defendant Facebook, Inc.
3 (“Facebook”). Pursuant to Civil Local Rule 79-5(d) and the Amended Stipulated Protective Order
4 entered by the Court on July 1, 2015 (the “Protective Order”) (Dkt. No. 93), I submit this Declaration
5 in support of Plaintiffs’ Administrative Motion to File Under Seal re Plaintiffs’ Response to
6 Declaration of Dale Harrison (Dkt. 127), which seeks to file under seal “(1) designated portions of
7 Plaintiffs’ Response to Declaration of Dale Harrison on Behalf of Defendant Facebook, Inc.
8 (‘Response’), and (2) Exhibits 1 and 2 to the Response.” Except as otherwise noted, I have personal
9 knowledge of the facts set forth in this Declaration and, if called and sworn as a witness, could and
10 would testify competently to them.

11 2. The requested relief is necessary to protect the confidentiality of Facebook
12 information in Exhibits 1 and 2 of the Response and certain Facebook information relied upon in
13 portions of the Response. Specifically, Exhibits 1 and 2 of the Response and portions of the
14 Response contain non-public, confidential, and proprietary Facebook business information that
15 Facebook designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the
16 Protective Order.

17 3. Exhibit 1 to the Response (Dkt. No. 128-1) is a document produced by Facebook to
18 Plaintiffs that contains non-public, confidential, and proprietary information that was designated by
19 Facebook as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective
20 Order. The information in Exhibit 1 to the Response concerns the processes and functionality of
21 Facebook’s messages technology that is protectable as a trade secret or otherwise entitled to
22 protection under the law. Public disclosure of this information would cause competitive harm to
23 Facebook by allowing its competitors to access sensitive information, which they could use to gain an
24 unfair advantage against Facebook. Such information could also be used by individuals or companies
25 that might seek to compromise the security of Facebook’s messages technology, causing harm to
26 Facebook and the people who use Facebook’s services. Exhibit 1 also contains Facebook User IDs
27 that could be used to identify people who use Facebook’s services.
28

1 4. Exhibit 2 to the Response (Dkt. 128-2) is a document produced by Facebook to
 2 Plaintiffs that contains non-public, confidential, and proprietary information that was designated by
 3 Facebook as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Protective
 4 Order. The information in Exhibit 2 to the Response concerns the processes and functionality of
 5 Facebook’s messages technology that is protectable as a trade secret or otherwise entitled to
 6 protection under the law. Public disclosure of this information would cause competitive harm to
 7 Facebook by allowing its competitors to access sensitive information, which they could use to gain an
 8 unfair advantage against Facebook. Such information could also be used by individuals or companies
 9 that might seek to compromise the security of Facebook’s messages technology, causing harm to
 10 Facebook and the people who use Facebook’s services. Exhibit 2 also contains Facebook User IDs
 11 that could be used to identify people who use Facebook’s services.

12 5. Finally, the below chart sets forth the portions of Plaintiffs’ Response (Dkt. 128) that
 13 contain confidential information that should remain under seal. The designated portions should
 14 remain under seal because they include non-public, confidential, and proprietary Facebook
 15 information and concern the processes and functionality of Facebook’s messages technology that is
 16 protectable as a trade secret or otherwise entitled to protection under the law. Furthermore, the
 17 designated portions contain references to portions of the Declaration of Dale Harrison on behalf of
 18 Facebook, Inc., which Facebook has sought to file under seal. (*See* Dkt. Nos. 125, 126.) Public
 19 disclosure of this information would cause competitive harm to Facebook by allowing its competitors
 20 to access sensitive information, which they could use to gain an unfair advantage against Facebook.
 21 Such information could also be used by individuals or companies that might seek to compromise the
 22 security of Facebook’s messages technology, causing harm to Facebook and users of Facebook’s
 23 products. For these reasons, the following portions of Plaintiffs’ Response should remain under seal:

Page	Text
1	Text between “...asserts that only the...” and “...concerning the incremental increase...”
1	Text between “The...” and “...Plaintiffs seek are essential...”
1	Text between “...limit its production to the...” and “...associated with the Like counter.”

Page	Text
1	Text between "...basis for why other..." and "...beyond those concerning incrementing the Like counter..."
2	2-3 Text between "Facebook's declarant states that it..." and "Declaration at ¶ 19."
3	3 Text between "Mr. Harrison further states that he..." and " <i>Id.</i> Put another way..."
4	3 Text between "...he cannot identify or produce..." and "This is simply a restatement..."
5	3 Text between "...his statements are always conditional:" and "Declaration at ¶ 19."
6	3 Text between "...and the purportedly..." and "Plaintiffs are not asking..."
7	3-4 Text between "The Declaration does not..." and "...Facebook nonetheless..."
8	4 Text between "Further, Facebook's methodology in identifying..." and " <i>Id.</i> at ¶ 19."
9	4 Text between "... Mr. Harrison does not say that..." and " <i>Id.</i> at ¶ 18."
10	4 Text between "...identify and produce..." and "In contrast to..."
11	5 Text between "...Plaintiffs are entitled to receive the following items of information:" and "Each of the above-described documents..."
12	5-6 Text between "Each of these documents contains content related to how..." and "In response, Facebook..."
13	6 Text between "In response, Facebook contends that..." and "As Plaintiffs seek injunctive relief..."
14	6 Text between "...depth and breadth of..." and "Moreover,..."
15	6 Text between "Moreover,..." and "If other documents purport..."
16	6 Text between "...clear that the content of ..." and "Refusal to produce..."
17	7 Text between "...should be produced." and "...created from private messages."
18	7 Text between "In terms of identifying how..." and " <i>Id.</i> at ¶ 20."
19	7 Text between "...purpose of each..." and "...thus far produced."
20	7 Text between "...allow Plaintiffs to..." and " <i>Id.</i> at ¶ 6."
21	7 Text between "Identification of..." and "...The Declaration makes reference to..."
22	7-8 Text between "...The Declaration makes reference to..." and "Such clarification..."
23	8 Text between "...burden from identifying..." and "...it should be compelled..."
24	3, fn 1 Text between "Harrison states that it would be..." and the end of the footnote.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct, and that I executed this Declaration in Menlo Park, California on October 13, 2015.

/s/ Nikki Stitt Sokol
Nikki Stitt Sokol

1 **ATTORNEY ATTESTATION**

2 I, Joshua A. Jessen, attest that concurrence in the filing of this Declaration of Nikki Stitt Sokol
3 has been obtained from the signatory. I declare under penalty of perjury under the laws of the United
4 States of America that the foregoing is true and correct. Executed this 13th day of October 2015, in
5 Irvine, California.

6
7 Dated: October 13, 2015

8 */s/ Joshua A. Jessen*
9 Joshua A. Jessen