

# EXHIBIT 1

## Chorba, Christopher

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**From:** Sobol, Michael W. <MSOBOL@lchb.com>  
**Sent:** Saturday, October 24, 2015 4:11 PM  
**To:** Chorba, Christopher  
**Subject:** Re: Campbell v. Facebook

Make a proposal that is concrete instead of talking in hypothetical conjecture. We have an order from the court. What do you propose as an alternative? I am waiting to hear.

Sent from my iPhone

> On Oct 24, 2015, at 5:20 PM, Chorba, Christopher  
<CChorba@gibsondunn.com> wrote:

>

> Ok. We will act accordingly. Clear you don't want to engage at all so we will proceed with the court.

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> On Oct 24, 2015, at 2:16 PM, Sobol, Michael W. <MSOBOL@lchb.com> wrote:

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> Chris, while we won't have to disagree about what FB's position is currently on the scope of permissible future inquiry of others 30(b)(6) designees, we disagree with the position it takes thereon. I agree that you have stated your view and are reserving your rights with regard to your objections to what you characterize as seriatim topics. As I told you already, that concern hasn't yet manifested and we can cross that bridge if and when we come to it and it presents no impediment at the moment.

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> As my prior note indicates, we have considered the request you made regarding Facebook producing only a portion of the documents the court has compelled Facebook to produce, and our position remains that they are well within the proper scope of discovery and that they should be produced forthwith.

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> Sent from my iPhone

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> On Oct 23, 2015, at 8:24 PM, Chorba, Christopher  
<CChorba@gibsondunn.com<mailto:CChorba@gibsondunn.com>> wrote:

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> Michael—Thank you for your e-mail. As you know, we are working to comply with the Magistrate Judge's Order, and by now you've seen the exchanges regarding the Rule 30(b)(6) deposition. Let me reiterate a point that we discussed on our call, and that we have raised before—Facebook objects to seriatim Rule 30(b)(6) topics. So the topics that have been noticed and ordered are the only topics for which Facebook will be deposed in this action. I don't want there to be any ambiguities or concerns or claims weeks or months from now about that.

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> Separately, we do have some concerns about some of Plaintiffs' damages RFPs, which we will need to raise with the District Court unless we can work out a compromise with you. In particular, certain of Plaintiffs' RFPs seek the production of large categories of information that are not tied to Plaintiffs' claims or the damages permitted by those claims, yet those RFPs seek the production of "all documents and ESI" relating to these broad categories.

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> For example, Request for Production No. 60, which we discussed on our call, seeks the production of "[a]ll Documents and ESI relating to Your efforts, or efforts by Third Parties on Your behalf—whether undertaken or contemplated but not undertaken—to increase and/or maximize the presence of the Like Social Plugin on Third Party websites." This request seeks a large amount of irrelevant information and, on its face, would seem to call for the production of every document generated from April 2010 - December 2013 encouraging a third-party website to implement a Like button social plugin. Moreover, it is not disputed that Facebook made efforts during the relevant time period to encourage website developers to implement the Like button social plugin. We are willing to search for and produce representative documents sought by this request, or possibly to enter into a stipulation to obviate Plaintiffs' need for this request, but responding to this overly broad request as written will necessitate an appeal.

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> We also have concerns about Request for Production No. 53, which seeks the production of "[a]ll Documents and ESI relating to Your efforts, or efforts by Third Parties on Your behalf—whether undertaken or contemplated but not undertaken—to assign a monetary value to Facebook Users, or to determine the monetary value of data received or content collected by You from Facebook Users (and/or any additional information derived therefrom), or to determine the revenue or profits made from data received or content collected by You from Facebook Users (and/or any additional information derived therefrom)." Facebook does report on average revenue per user in its SEC filings, which is a simple calculation of total revenue divided by the number of users. We assume Plaintiffs neither want nor need the underlying data and calculations that go into this figure, but the language of the request is not so limited.

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> During our conversation earlier this week, you expressed a willingness to consider reasonable compromises to avoid further motions practice. I hope you will consider this request to minimize further disputes. In addition, during the meet-and-confer that preceded Plaintiffs' damages letter brief, Hank Bates suggested to Josh Jessen that there likely were a handful of documents Plaintiffs truly needed for their damages analysis. If Plaintiffs are able to identify those documents or otherwise narrow the above requests, or to propose a stipulation on certain issues, we may be able to reach a compromise to avoid an appeal.

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> If not, though, we will have little choice but to raise these, and perhaps other, issues with the District Court.

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> Please let me know.  
>  
> Christopher Chorba  
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>  
> From: Sobol, Michael W. [mailto:MSOBOL@lchb.com]  
> Sent: Tuesday, October 20, 2015 12:33 PM  
> To: Chorba, Christopher  
> Subject: Campbell v. Facebook  
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> Chris,  
>  
> I am writing to confirm, after our conversation yesterday, Plaintiffs' view that pursuant to Magistrate Judge James' October 14th order, Facebook must produce the 30(b)(6) designee regarding its source code for deposition no later than October 28, 2015. Please let us know in the next day or two what dates the deponent will be available.  
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> This will also confirm Plaintiffs have considered the idea of a schedule prioritizing compliance with the different discovery compelled by the order. Plaintiffs' view is that the discovery compelled fits well within the proper scope of discovery and should be fully produced forthwith.  
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> [LCHB]  
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