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

18  
19 MATTHEW CAMPBELL and MICHAEL  
HURLEY, on behalf of themselves and all  
20 others similarly situated,

21 Plaintiff,

22 v.

23 FACEBOOK, INC.,

24 Defendant.

Case No. C 13-05996 PJH (MEJ)

**PLAINTIFFS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL RE  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION AND SUPPORTING  
DOCUMENTS**

Judge: Honorable Phyllis J. Hamilton

1 Pursuant to Civil Local Rules 7-11 and 79-5(c) and (d), Plaintiffs respectfully request an  
2 order from the Court to authorize the filing under seal of:

- 3 (1) portions, as designated herein, of Plaintiffs’ Motion for Class Certification;
- 4 (2) portions, as designated herein, of the Expert Report of Jennifer Golbeck in  
5 support of Plaintiffs’ Motion for Class Certification (“Golbeck Report”);
- 6 (3) portions, as designated herein, of the Expert Report of Fernando Torres in  
7 support of Plaintiffs’ Motion for Class Certification (“Torres Report”);
- 8 (4) portions, as designated herein, of Facebook’s Supplemental Responses and  
9 Objections to Plaintiffs’ Narrowed Second Set of Interrogatories; and
- 10 (5) Exhibits 3-18, 27-30, and 34-35 to the Declaration of Melissa Gardner in  
11 support of Plaintiffs’ Motion for Class Certification (“Gardner Cert.  
12 Declaration”), in their entirety.

13 The specific material that Plaintiffs seek to seal is addressed in Sections 1-5 below.  
14 Except as stated in Section 4 with respect to personally identifiable information contained in  
15 Exhibit 20 to the Gardner Cert. Declaration, Plaintiffs take no position on whether the text and  
16 documents designated herein satisfy the requirements for sealing, and specifically reserve the  
17 right to challenge any “HIGHLY CONFIDENTIAL” or “HIGHLY CONFIDENTIAL –  
18 ATTORNEYS’ EYES ONLY” designation under the Amended Stipulated Protective Order (Dkt.  
19 93), as well as the sealability of these documents under Civil Local Rule 79-5.

20 Pursuant to this Court’s Standing Order for Cases Involving Confidential Documents,  
21 Defendant must show good cause for sealing the documents upon which it has placed a  
22 confidentiality designation by submitting a declaration within seven days after the lodging of the  
23 designated documents. *See also* Civil Local Rule 79-5(e).

24 **1. Plaintiffs’ Motion for Class Certification**

25 A complete, unredacted version of Plaintiffs’ Motion for Class Certification is attached as  
26 Exhibit A to the Declaration of Melissa Gardner in Support of Plaintiffs’ Administrative Motion  
27 to File Under Seal (“Gardner Declaration”), and contains yellow highlighting to indicate where  
28 redactions are proposed. A redacted version of the Motion is attached as Exhibit B.

1 Plaintiffs propose to redact the text highlighted in Exhibit A, (and specifically identified in  
2 the [Proposed] Order submitted herewith), on the grounds that such text contains information that  
3 Defendant (the designating party) has designated “HIGHLY CONFIDENTIAL” or “HIGHLY  
4 CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

5 **2. Report of Jennifer Golbeck in Support of Motion for Class Certification**

6 A complete, unredacted version of the Golbeck Report (Exhibit 2 to the Gardner Cert.  
7 Declaration) is attached as Exhibit C to the Gardner Declaration, and contains yellow highlighting  
8 to indicate where redactions are proposed. A redacted version of the Golbeck Report is attached  
9 as Exhibit D.

10 Plaintiffs propose to redact the text highlighted in Exhibit C, (specifically identified in the  
11 [Proposed] Order submitted herewith), on the grounds that such text contains information that  
12 Defendant (the designating party) has designated “HIGHLY CONFIDENTIAL” or “HIGHLY  
13 CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

14 **3. Expert Report of Fernando Torres in Support of Motion for Class Certification**

15 A complete, unredacted version of the Torres Report (Exhibit 33 to the Gardner Cert.  
16 Declaration) is attached as Exhibit E to the Gardner Declaration, and contains yellow highlighting  
17 to indicate where redactions are proposed. A redacted version of the Torres Declaration is  
18 attached as Exhibit F.

19 Plaintiffs propose to redact the text highlighted in Exhibit E (and specifically identified in  
20 the [Proposed] Order submitted herewith) on the grounds that such text contains information that  
21 Defendant (the designating party) has designated “HIGHLY CONFIDENTIAL” or “HIGHLY  
22 CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

23 **4. Facebook’s Supplemental Responses and Objections to Plaintiffs’ Narrowed Second Set of Interrogatories**

24 A complete, unredacted version of Facebook’s Supplemental Responses and Objections to  
25 Plaintiffs’ Narrowed Second Set of Interrogatories (Exhibit 20 to the Gardner Cert. Declaration)  
26 is attached as Exhibit G to the Gardner Declaration, and contains yellow highlighting to indicate  
27 where redactions are proposed. A redacted version of Facebook’s Supplemental Responses and  
28

1 Objections to Plaintiffs' Narrowed Second Set of Interrogatories is attached as Exhibit H.

2 Plaintiffs propose to redact the text highlighted in Exhibit G (and specifically identified in  
3 the [Proposed] Order submitted herewith), on the grounds that such text contains information that  
4 Defendant (the designating party) has designated "HIGHLY CONFIDENTIAL" or "HIGHLY  
5 CONFIDENTIAL – ATTORNEYS' EYES ONLY," and which Magistrate Judge James has held  
6 satisfies the requirements for sealing when attached to a non-dispositive motion (Dkt. 131). This  
7 text contains personally identifiable information of Plaintiffs and third parties. Such personal  
8 information is entitled to protection under the law, and compelling reasons exist to keep it  
9 confidential to protect Plaintiffs' and third parties' privacy interests, and to prevent exposure to  
10 harm or identity theft. *See e.g., Brewer v. Gen. Nutrition Corp.*, No. 11-3587, 2014 U.S. Dist.  
11 LEXIS 159378, \*6 (N.D. Cal. Nov. 12, 2014); *Nursing Home Pension Fund v. Oracle Corp.*, No.  
12 01-988, 2007 U.S. Dist. LEXIS 84000, \*9-10 (N.D. Cal. Oct. 31, 2007).

13 **5. Exhibits to the Gardner Cert. Declaration Designated Confidential in their**  
14 **Entirety**

15 Plaintiffs further propose to file under seal the following documents attached as exhibits to  
16 the Gardner Cert. Declaration because such documents have been designated by Defendant  
17 "HIGHLY CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY"  
18 in their entirety: Exhibits 3-18, 27-30, and 34-35. These exhibits are attached to the Gardner  
19 Declaration submitted in support of this Motion to Seal, as follows:

20 Exhibit I: Gardner Cert. Decl. Exhibit 3

21 Exhibit J: Gardner Cert. Decl. Exhibit 4

22 Exhibit K: Gardner Cert. Decl. Exhibit 5

23 Exhibit L: Gardner Cert. Decl. Exhibit 6

24 Exhibit M: Gardner Cert. Decl. Exhibit 7

25 Exhibit N: Gardner Cert. Decl. Exhibit 8

26 Exhibit O: Gardner Cert. Decl. Exhibit 9

- 1           Exhibit P:     Gardner Cert. Decl. Exhibit 10
- 2           Exhibit Q:     Gardner Cert. Decl. Exhibit 11
- 3           Exhibit R:     Gardner Cert. Decl. Exhibit 12
- 4           Exhibit S:     Gardner Cert. Decl. Exhibit 13
- 5           Exhibit T:     Gardner Cert. Decl. Exhibit 14
- 6           Exhibit U:     Gardner Cert. Decl. Exhibit 15
- 7           Exhibit V:     Gardner Cert. Decl. Exhibit 16
- 8           Exhibit W:     Gardner Cert. Decl. Exhibit 17
- 9           Exhibit X:     Gardner Cert. Decl. Exhibit 18
- 10          Exhibit Y:     Gardner Cert. Decl. Exhibit 27
- 11          Exhibit Z:     Gardner Cert. Decl. Exhibit 28
- 12          Exhibit AA:    Gardner Cert. Decl. Exhibit 29
- 13          Exhibit BB:    Gardner Cert. Decl. Exhibit 30
- 14          Exhibit CC:    Gardner Cert. Decl. Exhibit 34
- 15          Exhibit DD:    Gardner Cert. Decl. Exhibit 35

16           As stated above, except with respect to the personally identifiable information contained  
17           in Exhibit 20 to the Gardner Cert. Declaration (Ex. G hereto), Plaintiffs take no position on  
18           whether the text and documents designated herein satisfy the requirements for sealing, and  
19           specifically reserve the right to challenge any “HIGHLY CONFIDENTIAL” or “HIGHLY  
20           CONFIDENTIAL – ATTORNEYS’ EYES ONLY” designation, and pursuant to this Court’s  
21           Standing Order for Cases Involving Confidential Documents, Defendant must show good cause  
22           for sealing the documents upon which it has placed a confidentiality designation by submitting a  
23           declaration within seven days after the lodging of the designated documents. *See also* Civil Local  
24           Rule 79-5(e).

1 Dated: November 13, 2015

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