

1 Michael W. Sobol (State Bar No. 194857)
msobol@lchb.com
2 David T. Rudolph (State Bar No. 233457)
drudolph@lchb.com
3 Melissa Gardner (State Bar No. 289096)
mgardner@lchb.com
4 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
5 San Francisco, CA 94111-3339
Telephone: 415.956.1000
6 Facsimile: 415.956.1008

7 Hank Bates (State Bar No. 167688)
hbates@cbplaw.com
8 Allen Carney
acarney@cbplaw.com
9 David Slade
dslade@cbplaw.com
10 CARNEY BATES & PULLIAM, PLLC
11 11311 Arcade Drive
Little Rock, AR 72212
Telephone: 501.312.8500
12 Facsimile: 501.312.8505

13 *Attorneys for Plaintiffs and the Proposed Class*

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

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

20 Plaintiff,

21 v.

22 FACEBOOK, INC.,

23 Defendant.

Case No. C 13-05996 PJH (MEJ)

**DECLARATION OF MELISSA GARDNER
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL RE PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION AND
SUPPORTING DOCUMENTS**

Judge: Honorable Phyllis J. Hamilton

1 I, Melissa Gardner, declare:

2 1. I am an attorney in the law firm of Lief, Cabraser, Heimann & Bernstein, LLP, a
3 member of the State Bar of California, and am admitted to practice before the United States
4 District Court for the Northern District of California. I am one of the counsel for Plaintiffs in this
5 action. I make this declaration based on my own personal knowledge. If called upon to testify, I
6 could and would testify competently to the truth of the matters stated herein.

7 2. I submit this Declaration in Support of Plaintiffs' Administrative Motion to File
8 Under Seal, submitted in connection with Plaintiffs' Motion for Class Certification and
9 supporting documents.

10 3. Attached hereto as **Exhibit A** is a true and correct copy of the unredacted version
11 of Plaintiffs' Motion for Class Certification. Highlighted text in Exhibit A is text that Plaintiffs
12 propose to redact on the grounds that such text contains information that Defendant (the
13 designating party) has designated "HIGHLY CONFIDENTIAL" or "HIGHLY CONFIDENTIAL
14 – ATTORNEYS' EYES ONLY".

15 4. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiffs' Motion for
16 Class Certification with the proposed redactions applied.

17 5. Attached hereto as **Exhibit C** is a true and correct copy of the unredacted version
18 of the Report of Jennifer Golbeck in support of Plaintiffs' Motion for Class Certification, which is
19 attached as Exhibit 2 to the Gardner Declaration in Support of Plaintiffs' Motion for Class
20 Certification ("Gardner Cert. Declaration"). Highlighted text in Exhibit C is text that Plaintiffs
21 propose to redact on the grounds that such text contains information that Defendant (the
22 designating party) has designated "HIGHLY CONFIDENTIAL" or "HIGHLY CONFIDENTIAL
23 – ATTORNEYS' EYES ONLY".

24 6. Attached hereto as **Exhibit D** is a true and correct copy of the Golbeck Report
25 with the proposed redactions applied.

26 7. Attached hereto as **Exhibit E** is a true and correct copy of the unredacted version
27 of the Report of Fernando Torres in support of Plaintiffs' Motion for Class Certification, which is
28 attached as Exhibit 33 to the Gardner Cert. Declaration. Highlighted text in Exhibit E is text that

1 Plaintiffs propose to redact on the grounds that such text contains information that Defendant (the
2 designating party) has designated “HIGHLY CONFIDENTIAL” or “HIGHLY CONFIDENTIAL
3 – ATTORNEYS’ EYES ONLY”.

4 8. Attached hereto as **Exhibit F** is a true and correct copy of the Torres Report with
5 the proposed redactions applied.

6 9. Attached hereto as **Exhibit G** is a true and correct copy of Facebook’s
7 Supplemental Responses and Objections to Plaintiffs’ Narrowed Second Set of Interrogatories,
8 which are attached as Exhibit 20 to the Gardner Cert. Declaration. Highlighted text in Exhibit G
9 is text that Plaintiffs propose to redact on the grounds that such text contains information that
10 Defendant (the designating party) has designated “HIGHLY CONFIDENTIAL” or “HIGHLY
11 CONFIDENTIAL – ATTORNEYS’ EYES ONLY”, which contains personally identifiable
12 information about Plaintiffs and third parties, and which Magistrate Judge James found satisfies
13 the requirements for sealing in the context of a non-dispositive motion. Dkt. 131.

14 10. Attached hereto as **Exhibit H** is a true and correct copy of Facebook’s
15 Supplemental Responses and Objections to Plaintiffs’ Narrowed Second Set of Interrogatories
16 with the proposed redactions applied.

17 11. Attached hereto as **Exhibit I** is a true and correct copy of Exhibit 3 to the Gardner
18 Cert. Declaration, which has been designated by Defendant “HIGHLY CONFIDENTIAL” or
19 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

20 12. Attached hereto as **Exhibit J** is a true and correct copy of Exhibit 4 to the Gardner
21 Cert. Declaration, which has been designated by Defendant “HIGHLY CONFIDENTIAL” or
22 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

23 13. Attached hereto as **Exhibit K** is a true and correct copy of Exhibit 5 to the Gardner
24 Cert. Declaration, which has been designated by Defendant “HIGHLY CONFIDENTIAL” or
25 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

26 14. Attached hereto as **Exhibit L** is a true and correct copy of Exhibit 6 to the Gardner
27 Cert. Declaration, which has been designated by Defendant “HIGHLY CONFIDENTIAL” or
28 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

1 15. Attached hereto as **Exhibit M** is a true and correct copy of Exhibit 7 to the
2 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
3 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

4 16. Attached hereto as **Exhibit N** is a true and correct copy of Exhibit 8 to the Gardner
5 Cert. Declaration, which has been designated by Defendant “HIGHLY CONFIDENTIAL” or
6 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

7 17. Attached hereto as **Exhibit O** is a true and correct copy of Exhibit 9 to the Gardner
8 Cert. Declaration, which has been designated by Defendant “HIGHLY CONFIDENTIAL” or
9 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

10 18. Attached hereto as **Exhibit P** is a true and correct copy of Exhibit 10 to the
11 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
12 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

13 19. Attached hereto as **Exhibit Q** is a true and correct copy of Exhibit 11 to the
14 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
15 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

16 20. Attached hereto as **Exhibit R** is a true and correct copy of Exhibit 12 to the
17 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
18 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

19 21. Attached hereto as **Exhibit S** is a true and correct copy of Exhibit 13 to the
20 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
21 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

22 22. Attached hereto as **Exhibit T** is a true and correct copy of Exhibit 14 to the
23 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
24 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

25 23. Attached hereto as **Exhibit U** is a true and correct copy of Exhibit 15 to the
26 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
27 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”
28

1 24. Attached hereto as **Exhibit V** is a true and correct copy of Exhibit 16 to the
2 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
3 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

4 25. Attached hereto as **Exhibit W** is a true and correct copy of Exhibit 17 to the
5 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
6 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

7 26. Attached hereto as **Exhibit X** is a true and correct copy of Exhibit 18 to the
8 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
9 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

10 27. Attached hereto as **Exhibit Y** is a true and correct copy of Exhibit 27 to the
11 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
12 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

13 28. Attached hereto as **Exhibit Z** is a true and correct copy of Exhibit 28 to the
14 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
15 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

16 29. Attached hereto as **Exhibit AA** is a true and correct copy of Exhibit 29 to the
17 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
18 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

19 30. Attached hereto as **Exhibit BB** is a true and correct copy of Exhibit 30 to the
20 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
21 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

22 31. Attached hereto as **Exhibit CC** is a true and correct copy of Exhibit 34 to the
23 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
24 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

25 32. Attached hereto as **Exhibit DD** is a true and correct copy of Exhibit 35 to the
26 Gardner Cert. Declaration, which has been designated by Defendant “HIGHLY
27 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”
28

