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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 MICHAEL W.
 SOBOL IN SUPPORT OF PLAINTIFFS'
 MOTION FOR CLASS CERTIFICATION**

Date: March 16, 2016
 Time: 9:00 a.m.
 Judge: Hon. Phyllis J. Hamilton
 Place: Courtroom 3, 3rd Floor

1 I, Michael W. Sobol, declare:

2 1. I am a member in good standing of the California State Bar and a partner in the
3 law firm of Lief, Cabraser, Heimann & Bernstein, LLP ("LCHB"), counsel for the plaintiffs in
4 this action, and, along with Carney Bates & Pulliam, PLLC, Co-Lead Interim Class Counsel and
5 proposed Class Counsel in the consolidated proceedings. I have personal knowledge of the
6 matters set forth herein, and could and would testify competently thereto if called upon to do so.

7 2. I am a 1989 graduate of Boston University School of Law. I practiced law in
8 Massachusetts from 1989 to 1997. From 1995 through 1997, I was a Lecturer in Law at Boston
9 University School of Law. In 1997, I left my position as partner in the Boston firm of Shafner,
10 Gilleran & Mortensen, P.C. to move to San Francisco, where I joined LCHB. Since joining
11 LCHB in 1997, I have almost exclusively represented plaintiffs in consumer protection class
12 actions. I have been a partner with LCHB since 1999. I have served as plaintiffs' class counsel
13 in numerous nationwide consumer class action cases.

14 3. LCHB is one of the oldest, largest, most respected, and most successful law firms
15 in the country representing plaintiffs in class actions. LCHB has been repeatedly recognized over
16 the years as one of the top plaintiffs' law firms by both *The National Law Journal* and *The*
17 *American Lawyer*, winning the Hot List award every year from 2003-2013, the Mid-Size Hot List
18 Award in 2014, and the Hot List Award again in 2015. *Best Lawyers* and *U.S. News* have named
19 LCHB as a "Law Firm of the Year" each year the publications have given this award. In 2015,
20 for the third year in a row, legal news service *Law360* selected LCHB as a "Most Feared
21 Plaintiffs Firm." *Law360* chooses a handful of plaintiffs firms that have won some of the largest
22 and most impactful judgments and settlements over the past year.

23 4. LCHB has litigated hundreds of consumer class actions, and has significant
24 experience in litigating to vindicate the privacy rights of consumers. For example, LCHB has held
25 leadership positions in the following cases involving digital privacy rights:

26 i. *In re Google Inc. Street View Electronic Communications Litigation*, No. 3:10-
27 md-021784-CRB (N.D. Cal.). LCHB, along with co-counsel, represents plaintiffs
28 in a class action alleging that Google intentionally equipped its Google Maps

1 “Street View” vehicles with Wi-Fi antennas and software that collected data
2 transmitted by Wi-Fi networks located in homes within range of the vehicles’
3 receptors. Google collected not only basic identifying information about
4 individuals’ Wi-Fi networks, but also personal, private data being transmitted over
5 their Wi-Fi networks such as emails, usernames, passwords, videos, and
6 documents. Plaintiffs allege that Google’s actions violated the federal Wiretap
7 Act. On September 10, 2013, the Ninth Circuit Court of Appeals agreed with
8 Plaintiffs that Google’s actions are not exempt from the Wiretap Act.

9 ii. *In re Carrier IQ Privacy Litigation*, MDL No. 2330 (N.D. Cal.). LCHB represents
10 plaintiffs in class action litigation alleging that Carrier IQ, Inc., and other
11 smartphone manufacturers have violated the Wiretap Act and other privacy laws
12 by installing Carrier IQ’s user tracking software, called IQ Agent, on millions of
13 cell phones and other mobile devices that use the Android operating system.
14 Without notifying users or obtaining consent, IQ Agent records and transmits user
15 data, including personally identifiable information, to cellular carriers. The data
16 are then analyzed and segmented, including by equipment and subscriber
17 identification numbers. IQ Agent cannot be removed and cannot be detected by
18 users lacking advanced computing skills.

19 iii. *Perkins v. LinkedIn Corporation*, No. 13-04303 (N.D. Cal.), LCHB, along with
20 co-counsel, represents individuals who joined LinkedIn’s network had their names
21 and likenesses used without consent by LinkedIn to endorse LinkedIn’s services
22 and send repeated emails to their contacts asking that they join LinkedIn. On
23 September 15, 2015, the Court granted preliminary approval to \$13 million
24 settlement, one of the largest per-class member settlements ever in a digital
25 privacy class action. In addition to the monetary relief, LinkedIn has agreed to
26 make significant changes to Add Connections disclosures and functionality.
27 Specifically, LinkedIn has revised disclosures to real-time permission screens
28 presented to members using Add Connections, and has agreed to implement new

1 functionality allowing LinkedIn members to manage their contacts, including
2 viewing and deleting contacts and sending invitations, and to stop reminder emails
3 from being sent if users have sent connection invitations inadvertently.

4 iv. *Shurtleff v. Health Net of Cal., Inc.*, No. 34-2012-00121600-CU-CL (Sacramento
5 Cnty. Superior Court) LCHB, along with co-counsel, represented plaintiffs in a
6 patient privacy class action alleging violations of the CMIA. A class settlement in
7 the case resulted in significant monetary relief for a class of patients and important
8 data security improvements.

9 v. *In re Intuit Data Litigation*, No. 15-1778 (N.D. Cal.), LCHB serves as Chair of
10 Plaintiffs' Executive Committee and interim Class Counsel representing identity
11 theft victims in a nationwide class action lawsuit against Intuit for allegedly failing
12 to protect consumers' data from foreseeable and preventable breaches, and by
13 facilitating the filing of fraudulent tax returns through its TurboTax software
14 program. The complaint alleges that Intuit failed to protect data provided by
15 consumers who purchased TurboTax, used to file an estimated 30 million tax
16 returns for American taxpayers every year, from easy access by hackers and other
17 cybercriminals. The complaint further alleges that Intuit was aware of the
18 widespread use of TurboTax exclusively for the filing of fraudulent tax returns.
19 Yet, Intuit failed to adopt basic cyber security policies to prevent this misuse of
20 TurboTax, resulting in the filing of fraudulent tax returns in the names of the
21 plaintiffs and thousands of other individuals across America, including persons
22 who never purchased TurboTax.

23 5. A copy of LCHB's firm resume, which describes the firm's experience in class
24 action and other complex litigation, can be found at [http://www.lchbdocs.com/pdf/firm-](http://www.lchbdocs.com/pdf/firm-resume.pdf)
25 [resume.pdf](http://www.lchbdocs.com/pdf/firm-resume.pdf), and is not attached hereto given its length. LCHB has litigated hundreds of class
26 actions and has recovered well over one billion dollars for class members. For example:

27 i. LCHB serves as Co-Class Counsel in *Gutierrez v. Wells Fargo Bank, N.A.*, (No.
28 07-5923 WHA, N.D. Cal.), a class action alleging unfair practices and false

1 representations by Wells Fargo in connection with its imposition of overdraft
2 charges. In 2013, the court reinstated a \$203 million class judgment that had been
3 entered in 2010 following a bench trial. In 2014, the Ninth Circuit Court of
4 Appeals affirmed the reinstated \$203 million judgment.

5 ii. LCHB serves on the Plaintiffs' Executive Committee in *In re Checking Account*
6 *Overdraft Litigation* (MDL 2036, S.D. Fla.), a Multi-District Litigation involving
7 more than two dozen banks and allegations of unfair practices and false
8 representations in connection with the banks' imposition of overdraft charges.
9 Class settlements totaling hundreds of millions of dollars have been approved by
10 the court to date.

11 iii. LCHB serves as Plaintiffs' Liaison Counsel and on the Plaintiffs' Executive
12 Committee in *In re Chase Bank USA, N.A. "Check Loan" Contract Litigation*
13 (MDL No. 2032, N.D. Cal.), a nationwide Multi-District class action alleging that
14 Chase breached its good faith obligation to credit cardholders by modifying the
15 terms of their long-term fixed rate loans. In November 2012, the court granted
16 final approval to a \$100 million nationwide settlement that provides direct
17 payments to approximately one million cardholders and important injunctive
18 relief.

19 iv. LCHB served on the Plaintiffs' Steering Committee in the Multi-District
20 Litigation, *In re Neurontin Marketing and Sales Practices Litigation*, No. 04-CV-
21 10739-PBS (D. Mass.), arising out of the sale and marketing of the prescription
22 drug Neurontin. LCHB was also Of Counsel to Kaiser Foundation Health Plan,
23 Inc. and Kaiser Foundation Hospitals ("Kaiser") in the litigation. On March 25,
24 2010, a jury determined that Pfizer Inc. violated federal antiracketeering law by
25 promoting Neurontin for unapproved uses and found Pfizer liable to Kaiser for
26 damages of up to \$142 million. On November 3, 2010, the Court found Pfizer
27 liable under California's Unfair Competition Law, ordering it to pay restitution to
28 Kaiser of approximately \$95 million.

1 v. LCHB served as Settlement Class Counsel in a nationwide consumer class action
2 challenging Progressive Corporation's private passenger automobile insurance
3 sales practices, *Kline v. The Progressive Corporation*, Circuit No. 02-L-6 (Circuit
4 Court of the First Judicial Circuit, Johnson County, Illinois). In 2002, the Court
5 approved a settlement valued at approximately \$450 million, which included both
6 cash and equitable relief.

7 6. Since LCHB began working on this matter, LCHB has spent considerable time and
8 resources thoroughly and efficiently investigating the factual issues, analyzing legal claims,
9 conducting discovery, working with expert witnesses, briefing relevant issues, and preparing for
10 (and participating in) hearings. LCHB's track record demonstrates that it has the resources,
11 experience, and skills to successfully prosecute this case on behalf of the proposed class.

12 7. LCHB is fully committed to prosecuting this case zealously and efficiently.
13 LCHB is ready, willing and able to commit the resources necessary to litigate this case
14 vigorously. Indeed, LCHB has already committed the time and efforts of multiple attorneys and
15 other staff members for the investigation, research, and litigation of this case, and will continue to
16 do so.

17 8. I am aware of no conflicts between LCHB and the class.

18 I declare under penalty of perjury that the foregoing is true and correct and that this
19 Declaration was signed in San Francisco, California, on November 13, 2016.

20 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

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22 By: /s/Michael W. Sobol
 Michael W. Sobol

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