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13 *Attorneys for Plaintiffs and the Proposed Class*

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 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
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18 MATTHEW CAMPBELL and MICHAEL
 HURLEY, on behalf of themselves and all
 19 others similarly situated,

20 Plaintiffs,

21 v.

22 FACEBOOK, INC.,

23 Defendant.

Case No. 4:13-cv-05996-PJH (MEJ)

**DECLARATION OF DAVID T. RUDOLPH 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

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1 I, David T. Rudolph, hereby declare:

2 1. I am a member in good standing of the California State Bar and Of Counsel in the
3 law firm Lieff, Cabraser, Heimann & Bernstein, LLP, counsel for the plaintiffs in the above-
4 captioned action. I have personal knowledge of the facts set forth herein, and if called to testify
5 thereto, I could and would do so competently. I submit this declaration in support of Plaintiffs'
6 motion for class certification.

7 2. As explained in my declaration previously submitted in support of Plaintiffs'
8 motion for an extension of the class certification filing deadlines (Dkt. No 109), Facebook
9 significantly delayed providing relevant discovery in this matter, thereby prejudicing Plaintiffs'
10 ability to prepare their motion for class certification as well as their opposition to Facebook's
11 anticipated early motion for summary judgment. As noted in that declaration, Facebook delayed
12 production of its source code by over five months (*id.* at ¶¶ 7-17), and had failed to produce a
13 significant number of documents responsive to Plaintiffs' document requests served eight months
14 earlier (*id.* at ¶¶ 18-22).

15 3. In response to Plaintiffs' motion for an extension, Facebook represented to the
16 Court that it intended to substantially complete its document production by September 30, 2015.
17 However, as explained in the declaration of Michael Sobol in support of Plaintiffs' renewed
18 motion to continue the class certification and summary judgment deadlines (Dkt. No. 134),
19 Facebook's production was not substantially complete, in fact as of that date (October 29, 2015),
20 Facebook had produced 43 percent of its total document production after its stated deadline of
21 September 30. *Id.* at ¶¶ 4-5.

22 4. On November 3, 2015, this Court largely denied Facebook's appeal of Judge
23 James's discovery order requiring Facebook to produce documents related to damages, and
24 ordered Facebook to produce responsive documents by Friday, November 6, 2015. Dkt. No 136.

25 5. On Saturday, November 7, 2015 Facebook produced two tranches of documents.
26 The first tranche, produced in the morning, totaled approximately 1,500 pages. The second
27 tranche, produced in the afternoon, totaled over 11,000 pages. This document production—
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1 provided less than a week prior to the filing deadline for Plaintiffs' class certification—
2 represented over 40 percent of Facebook's total document production to date.

3 6. Many of these documents are large, complex, and highly detailed spreadsheets
4 containing financial and user engagement data for Facebook dating back a number of years.
5 Plaintiffs are still in the process of reviewing and analyzing these documents as of the filing of
6 this declaration.

7 7. The following chart provides the dates of Facebook's document productions thus
8 far in this action, as well as the number of documents and total pages in each production. As this
9 chart demonstrates, **more than 70 percent of Facebook's total document production by page**
10 **count (and more than 66 percent by document count) was made after the September 30**
11 **deadline** that Facebook represented would be the date for substantial completion of its document
12 production.

13 Production no.	Date	Number of Documents	Number of Pages
14 Production 1	2/13/2015	6	65
15 Production 2	4/01/2015	86	359
16 Production 3.1	6/02/2015	310	1,198
17 Production 3.2	6/02/2015	1	17
18 Production 4	6/30/2015	1	32
19 Production 5	7/03/2015	601	2,374
20 Production 6	7/22/2015	244	806
21 Production 7	8/03/2015	82	235
22 Production 8	8/20/2015	188	489
23 Production 9	9/01/2015	27	673
24 Production 10	9/18/2015	126	538
25 Production 11	9/23/2015	97	531
26 Production 12	9/29/2015	151	614
27 Production 13	10/13/2015	1404	2,653
28 Production 14	10/28/2015	514	3,292
Production 15	11/3/2015	67	370
Production 16	11/7/2015	885	1,575
Production 17	11/7/2015	938	11,220

24 I declare under penalty of perjury that the foregoing is true and correct and that this
25 declaration was signed in San Francisco, California, on November 13, 2015.

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27 Dated: November 13, 2015

By: /s/ David T. Rudolph
David T. Rudolph

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ATTESTATION

I, Michael W. Sobol, am the ECF user whose identification and password are being used to file this document. I hereby attest that David T. Rudolph has concurred in this filing.

DATED: November 13, 2015

/s/ Michael W. Sobol
Michael W. Sobol