

Replacement for Dkt. 147-2

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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 MATTHEW CAMPBELL and MICHAEL
HURLEY,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH

PUTATIVE CLASS ACTION

**[PROPOSED] ORDER AUTHORIZING
THE FILING OF DOCUMENTS UNDER
SEAL (CIV. L.R. 79-5(B))**

HEARING:

Date: March 16, 2016

Time: 9:00 a.m.

Location: Courtroom 3, Third Floor

The Honorable Phyllis J. Hamilton

1 On January 15, 2016, Defendant Facebook, Inc. filed an administrative motion to file under
 2 seal documents related to Defendant’s opposition to Plaintiffs’ Motion for Class Certification.
 3 Facebook also submitted a declaration in support of that administrative motion on January 15, 2016.
 4 Having considered Defendant Facebook, Inc.’s administrative motion to file under seal, all materials
 5 submitted in support thereof, and other records on file, the Court hereby GRANTS the administrative
 6 motion to file under seal. Therefore, the following documents may be filed under seal:

7 The Court authorizes the filing under seal of the following documents in their entirety:
 8 Exhibits A, B, C, D, L, M, N, O, P, Q, S, T, U, V, FF, GG, HH, KK, and LL to the Declaration of
 9 Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for
 10 Class Certification; and Exhibits PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, ZZ, and AAA to the
 11 Declaration of Dan Fechete In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’
 12 Motion for Class Certification.

13 The Court also authorizes the filing under seal of portions of Facebook’s Opposition to
 14 Plaintiffs’ Motion for Class Certification, as designated below:

Document	Sealable Portions
Facebook’s Opposition to Plaintiffs’ Motion for Class Certification	2:17-18, 24-2; 3:3-4; 3:16-17; 4:9-17; 5:23-24; 6:1-3, 17-21; 7:1-16; 7:20-22; 8:4-14, 20-22; 9:10-14, 19, 22, 26; 11-1, 3-8, 8-9, 9-12, 16-18, 19-22, 23-28; 12:1-1, 18-22, 26, 28; 13:1-10, 26-28; 14:4, 11-12, 18-19; 14:21-23; 15:15-16, 24-25; 16:1-4, 14-24, 26; 18:14-15, 19; 20:5-6, 12-13, 17-20; 21:7-9, 15-19, 23-28; 23:7-10, 25-26; 25:3-4; 26:10-12, 12; 27:21; 29:3-14; 30:2-3, 5-6
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification	2:12; 2:17; 2:22; 3:2-11; 3:17-18; 3:18-19; 3:20-21; 4:1-2; 4:3-7; 4:24-28; 5:1-2; 5:2-4; 5:16-20; 5:23-25; 12:14, 12:16; 12:18
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification	Page 1, text between “response contained” and “detailed entries”
Exhibit R - April 10, 2015 Letter from David Rudolph to Joshua Jessen	
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification	Page 2, text between “Interrogatory No. 5 as follows” and “Plaintiffs’ Responses to Facebook’s Contention”

Document	Sealable Portions
Exhibit W – July 24, 2015 Letter from David Rudolph to Joshua Jessen	
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification Exhibit BB – Excerpts from June 30, 2015 Deposition of Jiakai Liu	84:3; 84:5; 84:6-10; 107:1-2; Errata 9:23; Errata 94:21; Errata 94:23; Errata 94:25; Errata 197:7; Errata 197:10; Errata 254:1-5
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification Exhibit CC – Excerpts from September 25, 2015 Deposition of Ray He	56:1-18; 56:20-21; 77:4; 77:6; 77:9-25; 78:1-8; 78:11; 78:13-14; 78:16; 78:18-23; 91:1-4; 91:8-9; 91:12-15; 91:18-20; 91:22-25; 92:2; 92:5-15; 156:1; 156:6-12; 156:18-19; 156:21-25; 157:3-8; 157:10-13; 157:15-18; 157:21-22; 190:4; 190:9-10; 190:12-13; 190:17-19; 190:23-24; 252:3-6; 252:12-14; 252:17; Errata 28:12; Errata 29:5; Errata 30:7; Errata 32:7; Errata 52:25; Errata 53:1; Errata 65:19; Errata 79:19; Errata 92:16; Errata 97:17; Errata 101:8; Errata 102:2; Errata 128:21; Errata 129:11; Errata “throughout”; Errata 163:4; Errata 178:23; Errata 179:12; Errata 197:14; Errata 212:3; Errata 223:9; Errata 251:2,4; Errata 262:23
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification Exhibit DD – Excerpts from December 18, 2015 Deposition of Fernando Torres	290:15-17; 290:19-21
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification Exhibit EE - Excerpts from December 16, 2015 Deposition of Jennifer Golbeck	105:3-355:6
Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification Exhibit II – Excerpts from October 28, 2015 Deposition of Ray He	43:6-7; 43:10-11; 43:14; 43:17-22; 43:24-25; 44:1-4; 44:10-16; 44:19-25; 83:5; 83:8-22; 106:1-2; 106:6-11; 106:15; 106:17-18; 106:21-23; 106:25; Errata 28:14-16; Errata 28:17-24; Errata 28:25; Errata 29:4; Errata 29:9; Errata 30:17; Errata 31:24; Errata 32:7; Errata 32:10; Errata 32:14; Errata 36:34; Errata 37:13; Errata 38:4, 6; Errata 38:12, 14, 15; Errata 39:3; Errata 40:20; Errata 41:5; Errata 41:7; Errata 41:12, 14; Errata 41:19; Errata 42:7; Errata 43:10; Errata 43:18; Errata 44:22; Errata 46:25; Errata 48:13; Errata

Document	Sealable Portions
	48:21; Errata 49:11-14; Errata 49:15, 16; Errata 51:15, 16; Errata 52:16; Errata 54:4, 6; Errata 54:9, 11; Errata 59:19; Errata 58:25; Errata 60:22; Errata 62:10; Errata 62:22; Errata 65:7; Errata 65:9-10; Errata 65:16; Errata 66:18; Errata 67:1-4; Errata 68:25; Errata 72:4; Errata 74:7; Errata 75:2; Errata 76:15; Errata 78:7; Errata 78:8; Errata 78:19; Errata 79:15; Errata 79:20; Errata 80:2; Errata 80:5; Errata 80:21; Errata 81:19; Errata 83:5; Errata 83:10; Errata 84:5; Errata 88:20; Errata 90:18; Errata 93:23; Errata 96:4; Errata 96:9; Errata 100:24; Errata 102:20; Errata 102:25; Errata 103:14; Errata 106:1; Errata 106:9; Errata 107:7; Errata 107:17; Errata 109:5; Errata 110:7; Errata 110:9
<p data-bbox="212 730 873 846">Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification</p> <p data-bbox="212 877 873 951">Exhibit JJ – Excerpts from October 28, 2015 Deposition of Michael Adkins</p>	45:17-18; 45:24-25; 54:1-17; 75:1; 75:3-25; 76:1-11; 76:18-25; 77:1-6; 77:11-14; 77:16-19; 77:21; 77:24-25; 118:2-8; 118:11; 118:13-20; 118:23-25; 119:1-4; 119:6-25; Errata, Global; Errata, Global; Errata, Global; Errata, 47:21; Errata, 48:20-23; Errata, 76:24
<p data-bbox="212 951 873 1066">Declaration of Alex Himel In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification</p>	ToC, II; ToC, II.B; ToC, II.C; ToC, III ToC, III.B; ToC, V; ToC, V.B; ToC, V.C; ToC, VI; ToC, VI.B; ToC, VI.C; ToC, VIII; ToC, VIII.B; ToC, VIII.C; 1:8-10; 1:12; 1:24-27; 2:1-2; 2:11; 2:13-14; 2:17-27; 3:1-11; 3:24-25; 3:27; 4:8-10; 4:13; 4:16-27; 5:1-27; 6:1-5; 6:8-9; 6:11-27; 7:1-14; 7:16-27; 8:1-27; 9:1-27; 10:1-5; 10:8-16; 11:14-23; 11:25-27; 12:1-4; 12:9-19; 12:21-27; 13:1-6; 13:8-9; 13:11-25; 13:27; 14:3-27; 15:1-2; 15:4-5; 15:7-27; 16:1-21; 16:23-27; 17:1-11; 18:1-2; 18:4-15; 18:17-27; 19:1-9; 19:11-12; 19:14-27; 20:1-5; 20:13-27; 21:1-20; 21:22-27; 22:1-10; 22:12-24; 22:27; 23:1-6
<p data-bbox="212 1430 873 1545">Declaration of Alex Himel In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification</p> <p data-bbox="212 1577 873 1724">Exhibit MM – Facebook’s Second Supplemental Responses and Objections to Plaintiffs’ Narrowed Second Set of Interrogatories</p>	10:21-18:16
<p data-bbox="212 1724 873 1839">Declaration of Alex Himel In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification</p> <p data-bbox="212 1871 873 1904">Exhibit NN –Facebook’s Supplemental</p>	3:23-24; 5:24 (the text following “defenses in this action”)-27; 8:9-25; 9:18-11:24; 12:26-16:13; 17:9-20:24; 21:24-25:11; 26:7-29:22; 30:23-33:4; 33:27-36:15; 37:15-38:18; 39:15-40:18; 41:15-42:18; 43:13-44:16; 45:16-21; and 46:18-23

Document	Sealable Portions
Responses and Objections to Plaintiffs' First Set of Interrogatories	
Declaration of Alex Himel In Support of Defendant Facebook, Inc.'s Opposition to Plaintiffs' Motion for Class Certification Exhibit OO – June 1, 2015 Declaration of Alex Himel on Behalf of Defendant Facebook, Inc.	1:19-24; 2:6; 2:25-26; 3:17-27; 4:1; 4:6-13; 4:16-27; 5:1-5:4; 5:9-14; 5:23-27; 6:1-26; 7:1-2; 7:4-5; 7:8-27; 8:1-19
Declaration of Dan Fechete In Support of Defendant Facebook, Inc.'s Opposition to Plaintiffs' Motion for Class Certification	2:1-25; 4:11-23; 4:26-27; 5:1-10:15; 10:18-12:27; 13:14-14:17
Declaration of Michael Adkins In Support of Defendant Facebook, Inc.'s Opposition to Plaintiffs' Motion for Class Certification	1:7; 1:11; 1:14-17; 1:19; 1:20; 1:21; 1:24; 1:27; 2:3-5; 2:6; 2:11; 2:15; 2:16; 2:17-22; 2:23-27; 3:2-3; 3:4-7; 3:7-8; 3:8-9; 3:9; 3:10; 3:11-12; 3:12-13; 3:14-15; 3:16; 3:18-19; 3:20-22; 3:24-27; 4:1-2; 4:3-6; 4:6-7; 4:7; 4:8-9; 4:10-11; 4:13-14; 4:16-18; 4:19; 4:20; 4:21-27; 5:1-3; 5:3-5; 5:13-14; 5:15-17; 5:18; 5:19-22; 5:22-23; 5:25-27; 6:1; 6:9-12; 6:13-16; 6:18-19; 6:21-27; 7:1; 7:2; 7:3; 7:4; 7:5-6; 7:7-8; 7:9-11; 7:14-16; 7:17-19; 7:23-24; 7:24-26; 8:8-10; 8:11-15; 8:17-21
Expert Report of Dr. Benjamin Goldberg	ToC, VII. A; ToC, VII. B; ToC, VIII. A.1; ToC, VIII. A.2; ToC, VIII. A.3; ¶¶ 8-11; 13; 14; 14 fn. 1; 15; 16; 28-30; VII.A; 31; 32; 33-36; 37-38; 39; 40-41; 42; VII.B; 49; 49 n.3; 50; 50 n.4; 51; 52; 53; 54; VII.B.2; 55; 56; 57; VII.B.3; 58; 60; 61; 62; 63; 66; 68; 68 n.6; 69; 71; 72; 73; 75; 79; 80-80; VIII.F; 88; 93; 96-99; 101; 102; 103-104
Expert Report of Dr. Catherine Tucker	4, n.3; 5, n.4; 6, n.5; 6, n.6; 11, ¶ 32; 12 (figure); 12, ¶ 33; 13 (figure); 14, ¶ 34, lines 3-6; 14, n.26, 14, n.27; 14, ¶ 34, lines 1-2; 14, n.25; 14, ¶ 35; 16, n.33; 16, n.32; 17, ¶ 40; 18, ¶ 45-19, line 2; 19, line 4; 19, n.39; 19, n.40; 20, ¶ 48-21, line 4; 21, n.43; 22, ¶ 51; 22, ¶ 52; 23, figure; 22, ¶ 53; 23, ¶ 54; 23, n.46; 24, ¶ 56; 24, ¶ 57; 24, n.54; 24, n.55; 24, n.56; 25, n.57; 25, ¶ 59; 29, ¶ 70; 29 ¶ 71; 30, figure; 31, figure; 32, ¶ 72; 31, n.64; 31, n.65; 36, lines 2-3; 45, lines 6-7; 45, n. 119; 45, lines 7-10; 53, ¶ 121; 52, n. 144
Appendix of Evidence in Support of Defendant Facebook, Inc.'s Opposition to Plaintiffs' Motion for Class Certification	Index 2:16-19

IT IS SO ORDERED.

Dated: _____

THE HONORABLE PHYLLIS J. HAMILTON
United States District Court Judge