

EXHIBIT F

**REDACTED VERSION OF
DOCUMENT(S) SOUGHT TO BE SEALED**

EXHIBIT 2

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MATTHEW CAMPBELL, MICHAEL HURLEY,)
and DAVID SHADPOUR,)

Plaintiffs,)

) Case No.
) C 13-05996 PJH

vs.

FACEBOOK, INC.,)

Defendant.)

-----)

VIDEOTAPED DEPOSITION OF MATTHEW D. CAMPBELL
San Francisco, California
May 19, 2015
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
Job No. 2067810
Pages 1 - 294

4 Q I don't need to probe your international
5 travel habits, fortunately, unless you're claiming 12:02:15
6 to represent an international class. Then we'll
7 have another depo.

8 So, Mr. Campbell, do you have an
9 understanding of what your duties and obligations
10 would be as a class representative in this case? 12:02:25

11 A Yes.

12 Q What are they?

13 A To act in the best interest of the class,
14 observe my fiduciary duty to the rest of the class,
15 work with counsel, again, in the best interest of 12:02:45
16 the class as far as any decisions, any decisions on
17 pleadings or the content of pleadings, et cetera.

18 Q And what do you mean by "decisions on
19 pleadings"? What role in that respect?

20 A Reviewing the complaint before it was 12:03:07
21 filed, reviewing interrogatory responses, providing
22 documents to counsel for purposes of discovery.

23 Q Do you know what class you're seeking to
24 represent in this case?

25 A To my understanding, it is the subset of 12:03:31

1 identification and are attached hereto.) 16:48:10

2 BY MR. CHORBA:

3 Q Mr. Campbell, the reporter has handed you

4 two documents. We've marked them in sequence

5 Exhibits 9 and 10. 12:07:56

6 Exhibit 9 is a document captioned "Class

7 Action Complaint." It's file-stamped at the top

8 December 30, 2013. I'll represent to you that's

9 your original complaint against Facebook in this

10 action. 12:08:10

11 Exhibit 10 is filed April 25th, 2014,

12 titled "Consolidated Amended Class Action

13 Complaint."

14 Let's start with Exhibit No. 9. Do you

15 recognize this document? 12:08:30

16 A Yes.

17 Q Is this your original complaint against

18 Facebook in this action?

19 A Yes.

20 Q And you reviewed this document before it 12:08:35

21 was filed?

22 A Yes.

23 Q Did you -- do you recall whether or not,

24 yes or no, you made any changes to this before it

25 was filed? 12:08:42

1 increasing the "Like" count on that page? 14:33:13

2 A No, the interception itself is the breach
3 of privacy.

4 Q And do you believe that Facebook is
5 continuing to intercept URLs through messages? 14:33:24

6 A My understanding is that they are not, at
7 least not in the -- my understanding is that they're
8 not continuing the same behavior, which is why I've
9 continued to use the messaging service.

10 Q What's the -- when you say "same 14:33:38
11 behavior," I'm just trying to understand. What is
12 the specific behavior you're talking about?

13 A The interception -- the access of the
14 content of the messages and the related interception
15 of any URLs that are contained therein. 14:33:53

16 Q In a way that increases the "Like" count
17 of that URL?

18 A No. Again, that's a separate issue
19 whether there's an increase. I'm saying from the
20 moment when I hit "Send," my understanding is that 14:34:11
21 Facebook is no longer intercepting that URL in any
22 form, regardless of whether Facebook is still going
23 and increasing the "Like" count officially as a
24 result.

25 Q We discussed earlier how -- and you 14:34:26

1 before I hit "Send." I assume that until I hit 14:36:49
2 "Send," Facebook isn't doing anything with it.
3 BY MR. CHORBA:
4 Q Not even rendering a URL preview?
5 A Obviously I don't assume that they don't 14:37:00
6 do that since we've discussed it. I know that they
7 do that.
8 Q So they're doing something.
9 A Again, my understanding was that was just
10 a function of the software. It was -- and it was 14:37:08
11 something that the user could choose to include or
12 not include.
13 Q On what basis do you base your testimony
14 that there were no more interceptions of messages
15 containing URLs after October 2012? 14:37:21
16 A It's my understanding that's what Facebook
17 said.
18 Q Where?
19 A I believe it was discussed in The Wall
20 Street Journal article. If not, it might have been 14:37:34
21 information or assurances I received maybe from
22 somebody else. I assumed it was in The Wall Street
23 Journal article. That was my understanding, is that
24 Facebook had already said, "We're not doing that
25 anymore." 14:37:56

1 Q And by "doing that," do you mean just 14:37:57
2 intercepting generally or incrementing the "Like"
3 count through URLs shared over private message?

4 A Both.

5 Q Have you done anything to verify whether 14:38:13
6 or not Facebook is continuing to engage in the
7 conduct that you challenge in the complaint?

8 MR. CARNEY: Object to form.

9 THE WITNESS: No. I assume that -- no.

10 BY MR. CHORBA: 14:38:37

11 Q Mr. Campbell, do you have any information
12 or any basis of any kind that Facebook has targeted
13 an ad to you based on something that you put in a
14 message on Facebook?

15 A That Facebook itself has targeted an ad to 14:38:51
16 me?

17 Q Yes.

18 A Online ads or --

19 Q Any type of advertising.

20 A As I testified earlier, I don't see ads on 14:39:01
21 pretty much any website. So, no, I haven't seen
22 that.

23 Q You mentioned that some websites, they
24 sometimes sneak through. In those instances -- I'm
25 trying to figure out if you have any basis for 14:39:13

Page 201

1 the actual messages downloaded. But if you could 14:42:43
2 just look quickly at those pages, make sure I have
3 the stack correctly.

4 A Yes.

5 Q And again, I know that we're carving out 14:42:55
6 the Blue Hog Report page and [REDACTED] but
7 are these all of the Facebook messages that you've
8 sent, or are these just the ones containing URLs?

9 A They appear to be just the ones containing
10 URLs. 14:43:13

11 Q But again, that wasn't something you
12 culled from the full list; someone else did that?

13 A Correct. I provided all of them to
14 counsel.

15 Q Is it your claim in this case that 14:43:26
16 Facebook unlawfully scanned or intercepted all of
17 these messages or just some?

18 A All of them that fall within the time
19 frame up to the date where Facebook stopped scanning
20 and intercepting the messages. 14:43:41

21 Q So that October 2012 time frame?

22 A Somewhere in there.

23 Q And do you know the information that's
24 blocked out here or redacted?

25 MR. CARNEY: Object to form. 14:43:59

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: 05/29/2015

23 
24 Carla Soares

25 CARLA SOARES

CSR No. 5908