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FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MATTHEW CAMPBELL and MICHAEL
HURLEY,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. C 13-05996 PJH

**DECLARATION OF NIKKI STITT
SOKOL IN SUPPORT OF DEFENDANT
FACEBOOK, INC.'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS IN
SUPPORT OF ITS OBJECTION TO AND
REQUEST TO STRIKE NEW EVIDENCE
AND MISSTATEMENTS OF FACT
CONTAINED IN PLAINTIFFS' REPLY IN
SUPPORT OF THEIR MOTION FOR
CLASS CERTIFICATION UNDER SEAL**

HEARING:

Date: March 16, 2016

Time: 9:00 A.M.

Location: Courtroom 3, Third Floor
The Honorable Phyllis J. Hamilton

DECLARATION OF NIKKI STITT SOKOL IN SUPPORT OF DEFENDANT FACEBOOK, INC.'S ADMINISTRATIVE MOTION
TO FILE DOCUMENTS IN SUPPORT OF ITS OBJECTION TO AND REQUEST TO STRIKE NEW EVIDENCE AND
MISSTATEMENTS OF FACT CONTAINED IN PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR CLASS
CERTIFICATION UNDER SEAL - CASE NO. C 13-05996 PJH

1 I, Nikki Stitt Sokol, declare as follows:

2 1. I am Associate General Counsel for Litigation for Defendant Facebook, Inc.
3 (“Facebook”). Pursuant to Civil Local Rule 79-5(d) and the Amended Stipulated Protective Order
4 entered by the Court on July 1, 2015 (the “Protective Order”) (Dkt. No. 93), I submit this Declaration
5 in support of Facebook’s Administrative Motion to File Documents In Support of Its Objection to
6 and Request to Strike New Evidence and Misstatements of Fact Contained in in Plaintiffs’ Reply in
7 Support of Their Motion for Class Certification Under Seal (“Motion to Seal”). Except as otherwise
8 noted, I have personal knowledge of the facts set forth in this Declaration and, if called and sworn as
9 a witness, could and would testify competently to them.

10 2. The Motion to Seal sets forth the documents sought to be sealed, including the
11 following:

- 12 (1) designated portions of Facebook’s Objection to and Request to Strike New Evidence and
13 Misstatements of Fact in Plaintiffs’ Reply in Support Of Their Motion For Class Certification;
14 (2) designated portions of the Declaration of Alex Himel In Support of Defendant Facebook,
15 Inc.’s Objection to and Request to Strike New Evidence and Misstatements of Fact in Plaintiffs’
16 Reply in Support Of Their Motion For Class Certification (“Himel Declaration”); and
17 (3) designated portions of the Declaration of Dale Harrison In Support of Defendant
18 Facebook, Inc.’s Objection to and Request to Strike New Evidence and Misstatements of Fact in
19 Plaintiffs’ Reply in Support Of Their Motion For Class Certification (“Harrison Declaration”).
20

21 **Facebook’s Objection to New Evidence in Plaintiffs’ Reply in Support of Motion for Class**
22 **Certification**

23 3. Good cause exists to seal portions of Facebook’s Objection to and Request to Strike
24 New Evidence and Misstatements of Fact in Plaintiffs’ Reply in Support Of Their Motion For Class
25 Certification (Exhibit 1 to the Motion to Seal). Specifically, the following portions contain non-
26 public, confidential, and proprietary Facebook business information designated as HIGHLY
27 CONFIDENTIAL – ATTORNEYS’ EYES ONLY pursuant to the Amended Stipulated Protective
28 Order. The public does not at this time have a meaningful interest in obtaining such information, and

public disclosure of this information would cause particularized harm to Facebook by allowing its competitors to access sensitive information, which they could use to gain an unfair advantage against Facebook. Such information could also be used by individuals or companies that might seek to compromise the security of Facebook's messages technology, causing harm to Facebook and the people who use Facebook's services:

Sealable Portions	Reason for Confidentiality
2:9; 2:13; 2:15; 2:20-21; 2:22; 2:23; 2:25; 2:27; 3:17; 4:3-4	This reflects information from the "Rebuttal" Expert Report of Dr. Jennifer Golbeck In Support of Plaintiffs' Motion for Class Certification (Dkt. 166-7 and Dkt. 167-1, Ex. 1) that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.

Himel Declaration

4. Good cause exists to seal portions of the Himel Declaration (Exhibit 3 to the Motion to Seal). Specifically, the following portions contain non-public, confidential, and proprietary Facebook business information that Facebook designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY pursuant to the Amended Stipulated Protective Order. The public does not at this time have a meaningful interest in obtaining such information, and public disclosure of this information would cause particularized harm to Facebook by allowing its competitors to access sensitive information, which they could use to gain an unfair advantage against Facebook. Such information could also be used by individuals or companies that might seek to compromise the security of Facebook's messages technology, causing harm to Facebook and the people who use Facebook's services.

Sealable Portions	Reason for Confidentiality
1:9-10; 1:11; 1:11-14	This reflects information from the "Rebuttal" Expert Report of Dr. Jennifer Golbeck In Support of Plaintiffs' Motion for Class Certification (Dkt. 166-7 and Dkt. 167-1, Ex. 1) that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
1:17; 1:18; 1:19-21	This reflects information from the Harrison Declaration that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
1:22; 1:23	This reflects information from the "Rebuttal" Expert Report of Dr. Jennifer

Sealable Portions	Reason for Confidentiality
	Golbeck In Support of Plaintiffs' Motion for Class Certification (Dkt. 166-7 and Dkt. 167-1, Ex. 1) that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
1:24-26; 1:27; 2:1; 2:1-3; 2:5-6; 2:6; 2:6	This information concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
2:9; 2:10	This reflects information from the "Rebuttal" Expert Report of Dr. Jennifer Golbeck In Support of Plaintiffs' Motion for Class Certification (Dkt. 166-7 and Dkt. 167-1, Ex. 1) that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
2:11; 2:11; 2:12-15	This information concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
2:15-17	This reflects information from the deposition of a Facebook employee that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
2:18; 2:19; 2:19-20; 2:20-21	This information concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
2:22-23	This reflects information from the "Rebuttal" Expert Report of Dr. Jennifer Golbeck In Support of Plaintiffs' Motion for Class Certification (Dkt. 166-7 and Dkt. 167-1, Ex. 1) that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
2:24; 2:24-25; 2:25	This information concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
3:1-2	This reflects information from the "Rebuttal" Expert Report of Dr. Jennifer Golbeck In Support of Plaintiffs' Motion for Class Certification (Dkt. 166-7 and Dkt. 167-1, Ex. 1) that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
3:4; 3:4-5	This information concerns the processes and functionality of Facebook's messages technology, other internal tools, and source code that is protectable as a trade secret or otherwise entitled to protection under the law.

Harrison Declaration

5. Good cause exists to seal portions of the Harrison Declaration (Exhibit 5 to the Motion to Seal). Specifically, the following portions contain non-public, confidential, and proprietary Facebook business information that Facebook designated as HIGHLY CONFIDENTIAL –

ATTORNEYS' EYES ONLY pursuant to the Amended Stipulated Protective Order. The public does not at this time have a meaningful interest in obtaining such information, and public disclosure of this information would cause particularized harm to Facebook by allowing its competitors to access sensitive information, which they could use to gain an unfair advantage against Facebook. Such information could also be used by individuals or companies that might seek to compromise the security of Facebook's messages technology, causing harm to Facebook and the people who use Facebook's services.

Sealable Portions	Reason for Confidentiality
1:11-12; 1:13-14	This reflects information from the "Rebuttal" Expert Report of Dr. Jennifer Golbeck In Support of Plaintiffs' Motion for Class Certification (Dkt. 166-7 and Dkt. 167-1, Ex. 1) that concerns the processes and functionality of Facebook's messages technology and source code that is protectable as a trade secret or otherwise entitled to protection under the law.
1:16; 1:17; 1:17; 1:21-22; 1:23-24; 1:25; 1:26-27; 2:1-2; 2:4-6; 2:7-8; 2:10-11; 2:16; 2:19; 2:23; 3:2-3; 3:9-11; 3:12; 3:12; 3:14; 3:15-16; 3:16; 3:17-18	This information concerns the processes and functionality of Facebook's messages technology, other internal tools, and source code that is protectable as a trade secret or otherwise entitled to protection under the law.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct, and that I executed this Declaration in Austin, Texas on February 26, 2016.

/s/ Nikki Stitt Sokol

Nikki Stitt Sokol

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Dated: February 26, 2016