

# **EXHIBIT 4**

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

1 GIBSON, DUNN & CRUTCHER LLP  
JOSHUA A. JESSEN, SBN 222831  
2 JJessen@gibsondunn.com  
JEANA BISNAR MAUTE, SBN 290573  
3 JBisnarMaute@gibsondunn.com  
PRIYANKA RAJAGOPALAN, SBN 278504  
4 PRajagopalan@gibsondunn.com  
ASHLEY ROGERS, SBN 286252  
5 ARogers@gibsondunn.com  
1881 Page Mill Road  
6 Palo Alto, California 94304  
Telephone: (650) 849-5300  
7 Facsimile: (650) 849-5333

8 GIBSON, DUNN & CRUTCHER LLP  
CHRISTOPHER CHORBA, SBN 216692  
9 CChorba@gibsondunn.com  
333 South Grand Avenue  
10 Los Angeles, California 90071  
Telephone: (213) 229-7000  
11 Facsimile: (213) 229-7520

12 Attorneys for Defendant  
FACEBOOK, INC.

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.  
22  
23  
24  
25  
26  
27  
28

Case No. C 13-05996 PJH

**PUTATIVE CLASS ACTION**

**DECLARATION OF ALEX HIMEL IN  
SUPPORT OF DEFENDANT FACEBOOK,  
INC.'S OBJECTION TO AND REQUEST  
TO STRIKE NEW EVIDENCE AND  
MISSTATEMENTS OF FACT  
CONTAINED IN PLAINTIFFS' REPLY IN  
SUPPORT OF THEIR MOTION FOR  
CLASS CERTIFICATION**

1 I, Alex Himel, declare as follows:

2 1. I have been employed as a software engineer at Facebook since April 2009, and my  
3 current title is Engineering Director. I am over the age of 18. I have personal knowledge of the  
4 matters stated herein and, if called as a witness, could and would testify competently thereto.

5 2. I provide this Declaration in support of Facebook’s Objection to New Evidence in  
6 Plaintiffs’ Reply In Support of Motion for Class Certification in order to address some of the new  
7 assertions in the evidence submitted in support of that brief.

8 **Dr. Golbeck’s New Proposal to Identify Class Members**

9 3. Dr. Golbeck states that [REDACTED]  
10 [REDACTED] could be written that would identify the senders and recipients of Private Messages sent during  
11 the Class Period with URL attachments ([REDACTED]),” and that “[REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED].” (New Golbeck Report dated Feb. 19, 2016 (Dkt. 166-7) ¶¶ 9, 12.) Dr.  
15 Golbeck contends that, through these methods, “Class members can be readily identified.” (*Id.* ¶ 12.)

16 4. I understand that Facebook engineer Dale Harrison has submitted a declaration (dated  
17 February 26, 2016) regarding potentially [REDACTED], which explains that Dr.  
18 Golbeck’s proposed [REDACTED] relies on inaccurate assumptions and could not be executed. Mr.  
19 Harrison also explains that, if Facebook were to attempt to write and execute code to [REDACTED]  
20 [REDACTED]  
21 [REDACTED].

22 5. Similarly, Dr. Golbeck’s proposal to [REDACTED] data also relies on the incorrect  
23 assumption that such data [REDACTED], and Dr.  
24 Golbeck’s proposal is logistically impossible as the data is currently organized. [REDACTED]  
25 [REDACTED]  
26 [REDACTED].  
27 Next, Facebook would need to analyze the actual data in [REDACTED].

1 There are [REDACTED] in Facebook's systems. [REDACTED]  
2 [REDACTED]  
3 [REDACTED].

4 6. In other words, Dr. Golbeck's new query is just as unworkable as her original query,  
5 and is in fact even less feasible as it requires conducting three such queries: (i) first, to [REDACTED]  
6 [REDACTED]; (ii) then to [REDACTED]; and (iii) finally, to [REDACTED].

7 **Scribe category "scribeh share stats"**

8 7. Dr. Golbeck appears to concede that URLs shared in messages were not logged in the  
9 "[REDACTED]" table during the class period (*see* Himel Decl. dated Jan. 15, 2016 (Dkt. 152-3), ¶ 44).  
10 In her new report, Dr. Golbeck instead focuses on a log called "[REDACTED]." (New Golbeck  
11 Report ¶ 28.) As a preliminary matter, "[REDACTED]" and "[REDACTED]" are entirely different  
12 things: [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]. (Ray He testified in his deposition that [REDACTED]  
16 [REDACTED]  
17 [REDACTED].)

18 8. Dr. Golbeck does not identify any code linking "[REDACTED]" to the  
19 [REDACTED], let alone any evidence that any such data was [REDACTED]  
20 [REDACTED] during the class period. Indeed, [REDACTED]  
21 [REDACTED].

22 9. Dr. Golbeck also states that she ran a search and found "[REDACTED]  
23 [REDACTED]" (*Id.* ¶ 35.) However, none of these files suggests (let alone evidences) the continuing  
24 existence of the [REDACTED]. The [REDACTED]  
25 [REDACTED], and no URLs shared in messages were [REDACTED] there during the class period.

26 **Additional Misstatements**

27 10. Dr. Golbeck makes a number of additional misstatements in her new report not  
28



**ATTORNEY ATTESTATION**

1 I, Christopher Chorba, attest that concurrence in the filing of this Declaration of Alex Himel  
2 has been obtained from the signatory. I declare under penalty of perjury under the laws of the United  
3 States of America that the foregoing is true and correct. Executed this 26th day of February, 2016, in  
4 Los Angeles, California.  
5

6 Dated: February 26, 2016

\_\_\_\_\_  
*/s/ Christopher Chorba*  
Christopher Chorba