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 FACEBOOK, INC.

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**

**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**

24 REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

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

1 discussed in this Declaration. For example, she does not dispute that [REDACTED]  
 2 [REDACTED], but she claims (erroneously)  
 3 that Facebook could design its system differently to achieve the same benefits. (*Id.* ¶ 24.) To the  
 4 contrary, [REDACTED] play a critical role in a number of ways—including [REDACTED]  
 5 [REDACTED]. I reserve the right to  
 6 address these and other misstatements at a later time, if necessary.

7 I declare under penalty of perjury under the laws of the United States of America that the  
 8 foregoing is true and correct and that this declaration was executed on February 26, 2016, in Menlo  
 9 Park, California.

*/s/ Alex Himel*

Alex Himel

**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