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

17 MATTHEW CAMPBELL and MICHAEL
 HURLEY,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.
 22

Case No. C 13-05996 PJH

**JOINT NOTICE OF REILING OF
 DOCUMENTS ACCOMPANYING CLASS
 CERTIFICATION BRIEFS AND
 EVIDENTIARY OBJECTIONS**

1 Pursuant to the discussion at the hearing on Plaintiffs’ Motion for Class Certification held on
2 March 16, 2016, and this Court’s Minute Order dated March 16, 2016 (Dkt. 174), Plaintiffs and
3 Defendant Facebook, Inc. jointly file replacement versions of the following documents
4 accompanying their class certification briefs and evidentiary objections:

5 (1) **Plaintiffs’ Motion for Class Certification (Dkt. 178-1)**: Exhibits 3, 6-18, 27-30, and 33-
6 34 to the Declaration of Melissa Gardner in Support of Plaintiffs’ Motion for Class Certification
7 (“Gardner Cert. Declaration”);

8 (2) **Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification**
9 **(Dkt. 178-2)**: Exhibits A, B, L, N, R, U, BB, CC, DD, FF, II, JJ, KK, and LL to the Declaration of
10 Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for
11 Class Certification (“Chorba Declaration”); Exhibit NN to the Declaration of Alex Himel In Support
12 of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification (“Himel
13 Declaration”); and

14 (3) **Plaintiffs’ Reply in Support of Motion for Class Certification (Dkt. 178-3)**: Exhibits
15 2, 6-11, and 14-20 to the Declaration of David Slade in Support of Plaintiffs’ Motion for Class
16 Certification (“Slade Cert. Declaration”); and the Supplemental Declaration of Melissa Gardner in
17 Support of Plaintiffs’ Motion for Class Certification (“Supplemental Gardner Cert. Declaration”); and

18 (4) **Defendant Facebook, Inc.’s Objection to and Request to Strike New Evidence and**
19 **Misstatements of Fact Contained in Plaintiffs’ Reply in Support of their Motion for Class**
20 **Certification (Dkt. 178-4)**: The Declaration of Dale Harrison In Support of Defendant Facebook,
21 Inc.’s Objection to and Request to Strike New Evidence and Misstatements of Fact in Plaintiffs’
22 Reply in Support Of Their Motion For Class Certification (“Harrison Declaration”).

23 In its Minute Order, this Court ordered that “all of the administrative motions to seal (Dkt.
24 137, 147, 166, 169 and 171) are denied without prejudice to filing a limited, narrowly tailored request
25 for sealing as stated on the record.” (Dkt. 174.) The Court also ordered that “[t]he briefs shall be
26 filed unredacted in the public record by Monday 3/21/16,” and that while a new motion to seal must
27 be filed “for any request to seal trade secrets,” the Court would “allow redactions of source code,
28

1 names, addresses and phone numbers without a Court order.” (*Id.*) There are three filings to comply
2 with the Court’s Minute Order:

3 (1) Briefing: On March 21, 2016, the parties filed a joint notice containing replacement
4 versions of their class certification briefs and evidentiary objections that contained corrected
5 redactions consistent with the Court’s Minute Order (i.e., redactions the Court authorized to be made
6 without a Court Order). (*See* Dkt. 178.) In that joint notice, the parties notified the Court in their
7 filing that they were in the process of conferring about filing a joint administrative motion to seal
8 limited portions of the documents accompanying their class certification briefs and evidentiary
9 objections that would be consistent with the Court’s Order, and that they would file that motion by
10 March 28, 2016. (*Id.*)

11 (2) Evidence with Approved Redactions: This joint notice contains replacement versions of
12 the documents accompanying the parties’ class certification briefs and evidentiary objections that
13 contain corrected redactions (if any) consistent with the Court’s Minute Order (i.e., redactions the
14 Court authorized to be made without a Court Order).¹

15 (3) Evidence with New Motion to Seal: Concurrently with the filing of this joint notice, the
16 parties have filed a joint administrative motion to seal limited portions of certain documents
17 accompanying the parties’ briefs reflecting redactions that require the Court’s approval (i.e., not fully
18 in the categories mentioned in the Court’s Minute Order).

19 **Plaintiffs’ Motion for Class Certification (Dkt. 178-1)**

20 Attached as **Exhibit 1** is a true and correct copy of a redacted version of Exhibit 3 to the
21 Gardner Cert. Declaration, originally filed at Dkt. 137-12 and 138-4. The only redactions in Exhibit
22 1 are by Facebook, and they are of names of non-parties (specifically, Facebook employees) (*see* pp.
23 8:9; 8:10; 8:12; 8:13; 8:14; 8:15; 8:16; 8:17; 8:19; 8:20; 8:22; 8:23; 9:18; 9:19; 9:21; 9:22; 9:23; 9:24;
24 9:25; 9:26; 10:1; 10:2; 10:4; 10:5; 10:6; 10:7; 10:9; 10:10; 10:11; 10:12; 10:14; 10:15; 10:17; 10:18;

25
26 ¹ As with the parties’ filing of March 21, 2016, the courtesy copies of this filing will also include
27 copies of all Exhibits with highlighting that reflects the redactions in the as-filed versions of the
28 exhibits. For the Court’s convenience, Plaintiffs’ redactions will appear in yellow highlighting,
and Facebook’s redactions will appear in blue highlighting.

1 10:20; 10:21; 10:23; 10:24; 11:1; 11:2; 11:4; 11:5; 11:7; 11:8; 11:10; 11:11; 11:13; 11:14; 11:16;
2 11:17; 11:19; 11:20; 11:22; 11:23).

3 Attached as **Exhibit 2** is a true and correct copy of a redacted version of Exhibit 6 to the
4 Gardner Cert. Declaration, originally filed at Dkt. 137-15 and 138-4. The only redactions in Exhibit
5 2 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

6 Attached as **Exhibit 3** is a true and correct copy of a redacted version of Exhibit 7 to the
7 Gardner Cert. Declaration, originally filed at Dkt. 137-16 and 138-4. The only redactions in Exhibit
8 3 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

9 Attached as **Exhibit 4** is a true and correct copy of a redacted version of Exhibit 8 to the
10 Gardner Cert. Declaration, originally filed at Dkt. 137-17 and 138-4. The only redactions in Exhibit
11 4 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

12 Attached as **Exhibit 5** is a true and correct copy of a redacted version of Exhibit 9 to the
13 Gardner Cert. Declaration, originally filed at Dkt. 137-18 and 138-4. The only redactions in Exhibit
14 5 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

15 Attached as **Exhibit 6** is a true and correct copy of a redacted version of Exhibit 10 to the
16 Gardner Cert. Declaration, originally filed at Dkt. 137-19 and 138-4. The only redactions in Exhibit
17 6 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

18 Attached as **Exhibit 7** is a true and correct copy of a redacted version of Exhibit 11 to the
19 Gardner Cert. Declaration, originally filed at Dkt. 137-20 and 138-4. The only redactions in Exhibit
20 7 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

21 Attached as **Exhibit 8** is a true and correct copy of Exhibit 12 to the Gardner Cert.
22 Declaration, originally filed Dkt. 137-21 and 138-4. Exhibit 8 contains no redactions.

23 Attached as **Exhibit 9** is a true and correct copy of Exhibit 13 to the Gardner Cert.
24 Declaration, originally filed Dkt. 137-22 and 138-4. Exhibit 9 contains no redactions.

25 Attached as **Exhibit 10** is a true and correct copy of a redacted version of Exhibit 14 to the
26 Gardner Cert. Declaration, originally filed Dkt. 137-23 and 138-4. The only redactions in Exhibit 11
27 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

28 Attached as **Exhibit 11** is a true and correct copy of a redacted version of Exhibit 15 to the

1 Gardner Cert. Declaration, originally filed Dkt. 137-24 and 138-4. The only redactions in Exhibit 11
2 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

3 Attached as **Exhibit 12** is a true and correct copy of a redacted version of Exhibit 16 to the
4 Gardner Cert. Declaration, originally filed Dkt. 137-25 and 138-4. The only redactions in Exhibit 12
5 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

6 Attached as **Exhibit 13** is a true and correct copy of a redacted version of Exhibit 17 to the
7 Gardner Cert. Declaration, originally filed Dkt. 137-26 and 138-4. The only redactions in Exhibit 13
8 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

9 Attached as **Exhibit 14** is a true and correct copy of a redacted version of Exhibit 18 to the
10 Gardner Cert. Declaration, originally filed at Dkt. 137-27 and 138-4. The only redactions in Exhibit
11 14 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

12 Attached as **Exhibit 15** is a true and correct copy of a redacted version of Exhibit 27 to the
13 Gardner Cert. Declaration, originally filed Dkt. 137-28 and 138-4. The only redactions in Exhibit 15
14 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

15 Attached as **Exhibit 16** is a true and correct copy of a redacted version of Exhibit 28 to the
16 Gardner Cert. Declaration, originally filed Dkt. 137-29 and 138-4. The only redactions in Exhibit 16
17 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

18 Attached as **Exhibit 17** is a true and correct copy of a redacted version of Exhibit 29 to the
19 Gardner Cert. Declaration, originally filed Dkt. 137-30 and 138-4. The only redactions in Exhibit 17
20 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

21 Attached as **Exhibit 18** is a true and correct copy of a redacted version of Exhibit 30 to the
22 Gardner Cert. Declaration, originally filed at Dkt. 137-31 and 138-4. The only redactions in Exhibit
23 18 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

24 Attached as **Exhibit 19** is a true and correct copy of Exhibit 33 to the Gardner Cert.
25 Declaration, originally filed Dkt. 137-8 and 138-4. Exhibit 19 contains no redactions.

26 Attached as **Exhibit 20** is a true and correct copy of a redacted version of Exhibit 34 to the
27 Gardner Cert. Declaration, originally filed Dkt. 137-32 and 138-4. The only redactions in Exhibit 20
28 are by Facebook, and they are of names of non-parties (specifically, Facebook employees).

1 **Defendant Facebook’s Opposition to Plaintiffs’ Motion for Class Certification (Dkt. 178-2):**

2 Attached as **Exhibit 21** is a true and correct copy of a redacted version of Exhibit A to the
3 Chorba Declaration, originally filed at Dkt. 150-5 and 158-1. The only redactions in Exhibit 21 are
4 by Plaintiffs, and they are of names of non-parties (specifically, absent putative class members).

5 Attached as **Exhibit 22** is a true and correct copy of Exhibit B to the Chorba Declaration,
6 originally filed at Dkt. 150-5 and 158-2. Exhibit 22 contains no redactions.

7 Attached as **Exhibit 23** is a true and correct copy of a redacted version of Exhibit L to the
8 Chorba Declaration, originally filed at Dkt. 150-9 and 159-1. The only redactions in Exhibit 23 are
9 by Plaintiffs, and they are of names of non-parties (specifically, absent putative class members).

10 Attached as **Exhibit 24** is a true and correct copy of a redacted version of Exhibit N to the
11 Chorba Declaration, originally filed at Dkt. 1501-1 and 159-3. The only redactions in Exhibit 24 are
12 by Plaintiffs, and they are of names of non-parties (specifically, absent putative class members).

13 Attached as **Exhibit 25** is a true and correct copy of Exhibit R to the Chorba Declaration,
14 originally filed at Dkt. 147-8 and 159-7. Exhibit 25 contains no redactions.

15 Attached as **Exhibit 26** is a true and correct copy of Exhibit U to the Chorba Declaration,
16 originally filed at Dkt. 151-6 and 159-10. Exhibit 26 contains no redactions.

17 Attached as **Exhibit 27** is a true and correct copy of a redacted version of Exhibit BB to the
18 Chorba Declaration, originally filed at Dkt. 148-2 and 160-4. The only redactions in Exhibit 27 are
19 by Facebook, and they are of the email address of a non-party (specifically, a Facebook employee)
20 (*see pp. 50:20*) and the names of non-parties (specifically, Facebook employees) (*see Errata pages 1-*
21 *2*).

22 Attached as **Exhibit 28** is a true and correct copy of a redacted version of Exhibit CC to the
23 Chorba Declaration, originally filed at Dkt. 148-4 and 160-5. The only redactions in Exhibit 28 are
24 by Facebook, and they are of the names of non-parties (specifically, Facebook employees) (*see Errata*
25 *p. 2*) and of source code (*see Errata pp. 3-4*).

26 Attached as **Exhibit 29** is a true and correct copy of Exhibit DD to the Chorba Declaration,
27 originally filed at Dkt. 148-6 and 160-6. Exhibit 29 contains no redactions.

28 Attached as **Exhibit 30** is a true and correct copy of a redacted version of Exhibit FF to the

1 Chorba Declaration, originally filed at Dkt. 150-8 and 160-8. The only redactions in Exhibit 30 are
2 by Plaintiffs, and they are of a name of a non-party (specifically, an absent putative class member).

3 Attached as **Exhibit 31** is a true and correct copy of a redacted version of Exhibit II to the
4 Chorba Declaration, originally filed at Dkt. 150-1 and 160-11. The only redactions in Exhibit 31 are
5 by Facebook, and they are of source code and source code file names (*see* pp. 43:10-11; 43:14; 83:5;
6 83:10-11; and Errata pp. 2-9).

7 Attached as **Exhibit 32** is a true and correct copy of a redacted version of Exhibit KK to the
8 Chorba Declaration, originally filed at Dkt. 152-1 and 160-13. The only redactions in Exhibit 32 are
9 by Facebook, and they are of the names of non-parties (specifically, Facebook employees).

10 Attached as **Exhibit 33** is a true and correct copy of Exhibit LL to the Chorba Declaration,
11 originally filed at Dkt. 152-2 and 160-14. Exhibit 33 contains no redactions.

12 Attached as **Exhibit 34** is a true and correct copy of a redacted version of Exhibit NN to the
13 Himel Declaration, originally filed at Dkt. 152-8 and 161-2. The only redactions in Exhibit 34 are by
14 Facebook, and they are of names of non-parties (specifically, Facebook employees).

15 **Plaintiffs' Reply in Support of Motion for Class Certification (Dkt. 178-3)**

16 Attached as **Exhibit 35** is a true and correct copy of Exhibit 2 to the Slade Cert. Declaration,
17 originally filed at Dkt. 166-8 and 167-1. Exhibit 35 contains no redactions.

18 Attached as **Exhibit 36** is a true and correct copy of Exhibit 6 to the Slade Cert. Declaration,
19 originally filed at Dkt. 166-14 and 167-1. Exhibit 36 contains no redactions.

20 Attached as **Exhibit 37** is a true and correct copy of a redacted version of Exhibit 7 to the
21 Slade Cert. Declaration, originally filed at Dkt. 166-15 and 167-1. Redactions in Exhibit 37 are by
22 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
23 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

24 Attached as **Exhibit 38** is a true and correct copy of Exhibit 8 to the Slade Cert. Declaration,
25 originally filed at Dkt. 166-16 and 167-1. Exhibit 38 contains no redactions.

26 Attached as **Exhibit 39** is a true and correct copy of Exhibit 9 to the Slade Cert. Declaration,
27 originally filed at Dkt. 166-12 and 167-1. Exhibit 39 contains no redactions.

28 Attached as **Exhibit 40** is a true and correct copy of Exhibit 10 to the Slade Cert. Declaration,

1 originally filed at Dkt. 166-17 and 167-1. Exhibit 40 contains no redactions.

2 Attached as **Exhibit 41** is a true and correct copy of Exhibit 11 to the Slade Cert. Declaration,
3 originally filed at Dkt. 166-18 and 167-1. Exhibit 41 contains no redactions.

4 Attached as **Exhibit 42** is a true and correct copy of a redacted version of Exhibit 14 to the
5 Slade Cert. Declaration, originally filed at Dkt. 166-20 and 167-1. Redactions in Exhibit 42 are by
6 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
7 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

8 Attached as **Exhibit 43** is a true and correct copy of a redacted version of Exhibit 15 to the
9 Slade Cert. Declaration, originally filed at Dkt. 166-21 and 167-1. Redactions in Exhibit 43 are by
10 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
11 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

12 Attached as **Exhibit 44** is a true and correct copy of a redacted version of Exhibit 16 to the
13 Slade Cert. Declaration, originally filed at Dkt. 166-22 and 167-1. Redactions in Exhibit 44 are by
14 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
15 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

16 Attached as **Exhibit 45** is a true and correct copy of a redacted version of Exhibit 17 to the
17 Slade Cert. Declaration, originally filed at Dkt. 166-23 and 167-1. Redactions in Exhibit 45 are by
18 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
19 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

20 Attached as **Exhibit 46** is a true and correct copy of a redacted version of Exhibit 18 to the
21 Slade Cert. Declaration, originally filed at Dkt. 166-24 and 167-1. Redactions in Exhibit 46 are by
22 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
23 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

24 Attached as **Exhibit 47** is a true and correct copy of a redacted version of Exhibit 19 to the
25 Slade Cert. Declaration, originally filed at Dkt. 166-25 and 167-1. Redactions in Exhibit 47 are by
26 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
27 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

28 Attached as **Exhibit 48** is a true and correct copy of a redacted version of Exhibit 20 to the

1 Slade Cert. Declaration, originally filed at Dkt. 166-26 and 167-1. Redactions in Exhibit 48 are by
2 both Facebook and Plaintiffs, and they are of the names, email addresses, and Facebook IDs of one of
3 the Plaintiffs and one or more non-parties (specifically, absent putative class members).

4 Attached as **Exhibit 49** is a true and correct copy of the Supplemental Gardner Cert.
5 Declaration, originally filed at Dkt. 166-10 and 167-2. Exhibit 49 contains no redactions.

6 **Defendant Facebook's Objection/Request to Strike New Evidence and Misstatements of Fact**
7 **Contained in Plaintiffs' Reply in Support of their Motion for Class Certification (Dkt. 178-4):**

8 Attached as **Exhibit 50** is a true and correct copy of the Harrison Declaration, originally filed
9 at Dkt. 169-9 and 170-2. Exhibit 50 contains no redactions.

10 Dated: March 28, 2016

Respectfully submitted,

11 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

12 By: _____
13 /s/ Michael W. Sobol

14 Attorneys for Plaintiffs

15 GIBSON, DUNN & CRUTCHER LLP

16 By: _____
17 /s/ Christopher Chorba

18 Attorneys for Defendant FACEBOOK, INC.