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17 *Attorneys for Plaintiffs Matthew Campbell and Michael Hurley*

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

21 MATTHEW CAMPBELL and MICHAEL  
 HURLEY, on behalf of themselves and all  
 22 others similarly situated,

23 Plaintiffs,

24 v.

25 FACEBOOK, INC.,

26 Defendant.

Case No. C 13-5996 PJH

**DECLARATION OF MICHAEL SOBOL IN  
 SUPPORT OF PLAINTIFFS' MOTION TO  
 CONSOLIDATE RELATED ACTIONS  
 AND APPOINT INTERIM COUNSEL**

Judge: Honorable Phyllis J. Hamilton

1 I, Michael W. Sobol, declare as follows:

2 I am a member in good standing of the California State Bar and a partner in  
3 the law firm of Lief, Cabraser, Heimann & Bernstein, LLP (“LCHB”), counsel for  
4 the plaintiffs in Campbell et al. v. Facebook, Inc., and, along with Carney Bates &  
5 Pulliam, PLLC and Pomerantz LLC, proposed Interim Class Counsel in the  
6 consolidated proceedings. I have personal knowledge of the matters set forth  
7 herein, and could and would testify competently thereto if called upon to do so.

8 **BACKGROUND AND EXPERIENCE**

9 LCHB is one of the oldest, largest, most respected, and most successful law  
10 firms in the country representing plaintiffs in class actions. LCHB has been  
11 repeatedly recognized over the years as one of the top plaintiffs’ law firms in the  
12 country by both The National Law Journal and The American Lawyer. See, e.g.,  
13 The Plaintiffs’ Hot List, National Law Journal (Oct. 1, 2013) (LCHB has received  
14 this same award each year from 2003 through 2013); J. Triedman, A New Lief,  
15 The American Lawyer (Dec. 2006), at 13 (“one of the nation’s premier plaintiffs’  
16 firms”); A. Frankel, Sweet Sixteen, Litigation 2004, Supplement to The American  
17 Lawyer & Corporate Counsel (Dec. 2004), at 8-10.

18 LCHB has litigated hundreds of consumer class actions, and has significant  
19 experience in litigating to vindicate the privacy rights of consumers. For example,  
20 LCHB has held leadership positions in the following cases brought under the  
21 Wiretap Act and Electronic Communications Privacy Act:

- 22 • *In re Google Inc. Street View Electronic Communications*  
23 *Litigation*, No. 3:10-md-021784-CRB (N.D. Cal.). LCHB, along with  
24 co-counsel, represents plaintiffs in a class action alleging that Google  
25 intentionally equipped its Google Maps “Street View” vehicles with  
26 Wi-Fi antennas and software that collected data transmitted by Wi-Fi  
27 networks located in homes within range of the vehicles’ receptors.  
28 Google collected not only basic identifying information about

1 individuals' Wi-Fi networks, but also personal, private data being  
2 transmitted over their Wi-Fi networks such as emails, usernames,  
3 passwords, videos, and documents. Plaintiffs allege that Google's  
4 actions violated the federal Wiretap Act. On September 10, 2013, the  
5 Ninth Circuit Court of Appeals agreed with Plaintiffs that Google's  
6 actions are not exempt from the Wiretap Act.

7 • *In re Carrier IQ Privacy Litigation*, MDL No. 2330. LCHB  
8 represents plaintiffs in class action litigation alleging that Carrier IQ,  
9 Inc., and other smartphone manufacturers have violated the Wiretap  
10 Act and other privacy laws by installing Carrier IQ's user tracking  
11 software, called IQ Agent, on millions of cell phones and other mobile  
12 devices that use the Android operating system. Without notifying  
13 users or obtaining consent, IQ Agent records and transmits user data,  
14 including personally identifiable information, to cellular carriers. The  
15 data are then analyzed and segmented, including by equipment and  
16 subscriber identification numbers. IQ Agent cannot be removed and  
17 cannot be detected by users lacking advanced computing skills.

18 LCHB has vindicated the rights of and recovered hundreds of millions of  
19 dollars for consumers in other class litigation, as well, including the results in the  
20 following consumer protection cases:

21 • LCHB serves as Co-Class Counsel and Lead Trial Counsel in  
22 *Gutierrez v. Wells Fargo Bank*, No. C 07-05923 WHA (N.D. Cal.), a  
23 class action alleging unfair practices and false representations by Wells  
24 Fargo in connection with its imposition of overdraft charges.  
25 Following a two week bench trial, an appeal, and subsequent post-  
26 appeal proceedings, U.S. District Court Judge William H. Alsup  
27 awarded \$203 million in restitution to the certified class. For our work  
28 in the case, the Consumer Attorneys of California named myself and

1 my partner Richard M. Heimann as Finalists for the Consumer  
2 Attorney of the Year Award.

3 • LCHB serves as Plaintiffs' Liaison Counsel and on the  
4 Plaintiffs' Executive Committee in *In re Chase Bank USA, N.A.*  
5 "*Check Loan*" *Contract Litigation*, MDL No. 2032 (N.D. Cal.), a  
6 Multi-District, nationwide class action charging that Chase violated the  
7 implied covenant of good faith and fair dealing by modifying the terms  
8 of fixed rate loans. In 2012, after the class was certified, U.S. District  
9 Judge Maxine M. Chesney approved a \$100 million class-wide  
10 settlement.

11 • LCHB serves on the Plaintiffs' Executive Committee in *In re*  
12 *Checking Account Overdraft Litigation*, MDL No. 2036 (S.D. Fla.), a  
13 Multi-District Litigation involving actions against more than two  
14 dozen national banks, where the banks are alleged to have engaged in  
15 practices resulting in the imposition of excessive overdraft charges.  
16 Settlements totaling hundreds of millions of dollars have been reached  
17 in the litigation, including a \$410 million settlement involving Bank of  
18 America, which was approved by the presiding Court.

19 • LCHB, along with co-counsel, represents consumers in a series  
20 of federal court cases against some of the nation's largest credit card  
21 issuers, challenging the imposition of charges for so-called "payment  
22 protection" or "credit protection" programs.

23 • LCHB served on the Plaintiffs' Steering Committee in the  
24 Multi-District Litigation, *In re Neurontin Marketing and Sales*  
25 *Practices Litigation*, No. 04-CV-10739-PBS (D. Mass.), arising out of  
26 the sale and marketing of the prescription drug Neurontin. LCHB was  
27 also Of Counsel to Kaiser Foundation Health Plan, Inc. and Kaiser  
28 Foundation Hospitals ("Kaiser") in the litigation. On March 25, 2010,

1 a jury determined that Pfizer Inc. violated federal antiracketeering law  
2 by promoting Neurontin for unapproved uses and found Pfizer liable to  
3 Kaiser for damages of up to \$142 million. On November 3, 2010, the  
4 Court found Pfizer liable under California's Unfair Competition Law,  
5 ordering it to pay restitution to Kaiser of approximately \$95 million.

6 • LCHB served as Settlement Class Counsel in a nationwide  
7 consumer class action challenging Progressive Corporation's private  
8 passenger automobile insurance sales practices, *Kline v. The*  
9 *Progressive Corporation*, Circuit No. 02-L-6 (Circuit Court of the  
10 First Judicial Circuit, Johnson County, Illinois). In 2002, the Court  
11 approved a settlement valued at approximately \$450 million, which  
12 included both cash and equitable relief.

13 • LCHB served as lead counsel in a coordinated action against  
14 Catholic Healthcare West ("CHW") in *Catholic Healthcare West*  
15 *Cases*, JCCP No. 4453 (Cal. Supr. Ct.). Plaintiff alleged that CHW  
16 charged uninsured patients excessive fees for treatment and services.  
17 In January 2007, the Court approved a settlement that provides  
18 discounts, refunds and other benefits for CHW patients valued at \$423  
19 million.

20 • LCHB served as Lead Counsel in the coordinated action, *Sutter*  
21 *Health Uninsured Pricing Cases*, JCCP No. 4388 (Cal. Supr. Ct.).  
22 Plaintiffs alleged that they and a class of uninsured patients treated at  
23 Sutter hospitals were overcharged for treatment and services. In  
24 December 2006, the Court granted final approval to a settlement,  
25 which included changes of practices and allowed class members to  
26 claim refunds or deductions of between 25% to 45% of their prior  
27 hospital bills, at an estimated total value of \$276 million.  
28

1           •       LCHB served as Co-Lead Counsel for a certified national  
2 settlement class of Providian credit cardholders who alleged that  
3 Providian had engaged in widespread misconduct by charging  
4 cardholders unlawful, excessive interest and late charges, and by  
5 promoting and selling to cardholders “add-on products” promising  
6 illusory benefits and services, in *Providian Credit Card Cases*, JCCP  
7 No. 4085 (San Francisco Supr. Ct.). In November 2001, the Court  
8 granted final approval to a \$105 million settlement of the case, which  
9 also required Providian to implement substantial changes to its  
10 business practices.

11           •       Over the past several years, LCHB has successfully litigated  
12 numerous cases alleging predatory lending and unfair mortgage  
13 practices. In *Reverse Mortgage Cases*, JCCP No. 4061 (San Mateo  
14 County Super. Ct., Cal.), LCHB served as co-lead counsel in an action  
15 against Transamerica Corporation and its subsidiary, who sold  
16 “reverse mortgages” to seniors which were misleading as to the loan  
17 terms, including the existence and amount of certain charges and fees.  
18 LCHB also represented a class of consumers in *Citigroup Loan Cases*  
19 (J.C.C.P. No. 4197, San Francisco Superior Court) against a “sub-  
20 prime” lender for cramming unwanted and unnecessary insurance  
21 products on to mortgage loans and engaging in improper loan  
22 refinancing practices. A court-approved settlement of the case  
23 provided \$240 million in relief to the nationwide class. LCHB was  
24 also co-lead counsel in *Curry v. Fairbanks Capital Corporation* (D.  
25 Mass., No. 03-10895-DPW), where a nationwide settlement provided  
26 \$55 million and injunctive relief to the class.

27           •       I also served as plaintiffs’ counsel in the California title  
28 insurance industry litigation, a series of California lawsuits which

1           alleged, among other things, that the title companies received interest  
2           payments on customer escrow funds that were never reimbursed to  
3           their customers. The defendant companies included Lawyers' Title  
4           Insurance, Commonwealth Land Title Insurance, Stewart Title  
5           Insurance of California, First American Title Insurance, Fidelity  
6           National Title Insurance, and Chicago Title Insurance. In coordination  
7           with parallel litigation brought by the Attorney General, we reached  
8           settlements in 2003 and 2004 with the leading title insurance  
9           companies in California, resulting in historic industry-wide changes to  
10          the practice of providing escrow services in real estate closings. The  
11          settlements brought a total of \$50 million in restitution to California  
12          consumers, including cash payments.

13           I am a 1989 graduate of Boston University School of Law. I practiced law in  
14          Massachusetts from 1989 to 1997. From 1995 through 1997, I was a Lecturer in  
15          Law at Boston University School of Law. In 1997, I left my position as partner in  
16          the Boston firm of Shafner, Gilleran & Mortensen, P.C. to move to San Francisco,  
17          where I joined LCHB. Since joining LCHB in 1997, I have almost exclusively  
18          represented plaintiffs in consumer protection class actions. I have been a partner  
19          with LCHB since 1999. I am in my thirteenth year as chair of LCHB's consumer  
20          practice group, and as such am involved in and oversee a wide range of consumer  
21          protection litigation. I have served as plaintiffs' class counsel in numerous  
22          nationwide consumer class action cases.

23           Rachel Geman is a partner at LCHB. She has represented plaintiffs in class  
24          actions for over a decade, including as co-lead class counsel or counsel for the class  
25          in consumer law matters relating to predatory lending and loan servicing, credit  
26          card add-on products, false advertising, and other issues. A former plaintiff-side  
27          chair of the ABA EEO Committee and Board Member of the National Employment  
28          Lawyers' Association – New York, Rachel has spoken and written on multiple

1 topics in class action litigation. Rachel is an AV-Preeminent rated attorney, and has  
2 been recognized by Best Lawyers (2012-2014), Law 500 (2013), and Super  
3 Lawyers (2011).

4 Attached hereto as **Exhibit A** is a copy of LCHB's firm résumé, which  
5 describes in further detail the cases referenced above, as well as some of the firm's  
6 other experience in class action and other complex litigation. As set forth therein,  
7 LCHB represents plaintiffs in consumer, securities, employment, antitrust, civil  
8 rights, and mass tort cases. LCHB has served as class counsel in hundreds of class  
9 actions nationwide, resulting in hundreds of judgments and settlements which have  
10 recovered billions of dollars for its clients.

### 11 **THE CAMPBELL LITIGATION**

12 LCHB conducted a thorough factual investigation of the issues in this  
13 litigation, including talking with a substantial number of Facebook users and  
14 reviewing and analyzing relevant representations made by defendants, press  
15 releases, and other documents. LCHB further conducted a thorough legal analysis  
16 of defendant's practices, and thereafter filed the initial complaint in the *Campbell*  
17 action, which was the first complaint filed that addressed the issues raised in these  
18 consolidated proceedings. Since filing the *Campbell* action, LCHB has been  
19 contacted by dozens of Facebook users who were subjected to the practices at issue  
20 in these proceedings, and has documented their complaints.

21 Subsequent to filing the *Campbell* action, LCHB has worked cooperatively  
22 with plaintiffs' counsel in the related *Shadpour* action to help facilitate the  
23 consolidation of these proceedings and to coordinate other related issues, and to  
24 prepare and file a master consolidated complaint.

25 LCHB is ready, willing and able to commit the resources necessary to litigate  
26 this case vigorously. Indeed, LCHB has already committed the time and efforts of  
27 multiple attorneys and other staff members for the investigation, research, and  
28 litigation of this case, and will continue to do so.



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I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was signed in San Francisco, California, on March 21, 2014.



Michael W. Sobol