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United States District Court  
Northern District of California

MATTHEW CAMPBELL and MICHAEL HURLEY, on behalf of themselves and all others similarly situated,  
  
Plaintiffs,  
  
v.  
  
FACEBOOK, INC.,  
  
Defendant.

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Case No. C 13-5996 PJH

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

Judge: Honorable Phyllis J. Hamilton

1 I, Hank Bates, declare as follows:

2 1. I am an attorney duly admitted to practice before all the courts of the State of  
3 California. I am a partner with the law firm Carney, Bates and Pulliam, PLLC (“CBP”), and I am  
4 one of the attorneys of record for Plaintiffs Matthew Campbell and Michael Hurley (“Plaintiffs”).  
5 This Declaration is based upon my personal knowledge and is made in support of Plaintiffs’  
6 Unopposed Motion to Consolidate Related Actions and Appoint Interim Counsel. If called as a  
7 witness to this matter, I could truthfully and competently testify as to all matters stated herein.

8 2. My firm has substantial experience in litigating class actions and similarly  
9 complex matters, which includes serving in numerous leadership positions and securing hundreds  
10 of millions of dollars in benefits for class members. Attached hereto as Exhibit A is a true and  
11 correct copy of my firm’s resume, which provides details of my firm’s practice and achievements,  
12 particularly in the class action context.

13 3. Prior to filing Plaintiffs Campbell and Hurley’s initial complaint, my firm, along  
14 with Lieff, Cabraser, Heimann & Bernstein, LLP (“LCHB”), thoroughly investigated and  
15 researched all potential claims in this action. Based on this research and investigation, on  
16 December 30, 2013, CBP and LCHB caused a complaint to be filed on behalf of Plaintiffs  
17 Campbell and Hurley, and all others similarly situated, against Defendant Facebook, Inc.  
18 (“Facebook”), alleging violations of federal and state law based on Defendant’s practice of  
19 scanning its users’ private messages, which is styled *Campbell et al. v. Facebook, Inc.*, No. 13-  
20 CV-05996 (N.D. Cal.).

21 4. On January 21, 2014, Pomerantz, LLP (“Pomerantz,” collectively referred to with  
22 CBP and LCHB as “Proposed Plaintiffs’ Executive Committee”) caused the filing of a similar  
23 case, styled *Shadpour v. Facebook*, No. 14-CV-00307 (N.D. Cal.).

24 5. Proposed Plaintiffs’ Executive Committee has worked cooperatively in this case in  
25 prosecuting the above-entitled actions (the “Related Actions”). The Related Actions are  
26 predicated on substantially similar factual allegations, and they assert the same state law claims.  
27 As such, it is CBP’s belief that consolidation will save the Court and the parties considerable time  
28 and expense. It is further CBP’s belief that the efficient and ordered management of the

1 consolidated actions may be achieved by appointment of the Proposed Plaintiffs' Executive  
2 Committee.

3 6. In sum, as reflected by my firm's resume and their efforts to date in this action,  
4 CBP consists of attorneys who are well-versed, experienced, and dedicated to prosecuting the  
5 claims alleged against Defendant in the best interests of all plaintiffs and the proposed Class.  
6 Moreover, CBP can, and will, contribute all necessary resources to this litigation, as well as work  
7 cooperatively with other Plaintiffs' counsel and draw from their resources when appropriate.

8 I declare under the penalty of perjury under the laws of the United States of America that  
9 the foregoing is true and accurate.

10 Executed this 21st day of March, 2014 in Little Rock, Arkansas.

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/s/ Hank Bates  
Hank Bates, Esq.