

EXHIBIT 2

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MATTHEW CAMPBELL, MICHAEL HURLEY,)
and DAVID SHADPOUR,)

Plaintiffs,)

) Case No.
) C 13-05996 PJH

vs.

FACEBOOK, INC.,)

Defendant.)

-----)

VIDEOTAPED DEPOSITION OF MATTHEW D. CAMPBELL
San Francisco, California
May 19, 2015
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
Job No. 2067810
Pages 1 - 294

1 Q Have you ever traveled internationally? 12:02:05

2 A I've been to -- well, let me answer your
3 question. Yes.

4 Q I don't need to probe your international
5 travel habits, fortunately, unless you're claiming 12:02:15
6 to represent an international class. Then we'll
7 have another depo.

8 So, Mr. Campbell, do you have an
9 understanding of what your duties and obligations
10 would be as a class representative in this case? 12:02:25

11 A Yes.

12 Q What are they?

13 A To act in the best interest of the class,
14 observe my fiduciary duty to the rest of the class,
15 work with counsel, again, in the best interest of 12:02:45
16 the class as far as any decisions, any decisions on
17 pleadings or the content of pleadings, et cetera.

18 Q And what do you mean by "decisions on
19 pleadings"? What role in that respect?

20 A Reviewing the complaint before it was 12:03:07
21 filed, reviewing interrogatory responses, providing
22 documents to counsel for purposes of discovery.

23 Q Do you know what class you're seeking to
24 represent in this case?

25 A To my understanding, it is the subset of 12:03:31

1 identification and are attached hereto.) 16:48:10

2 BY MR. CHORBA:

3 Q Mr. Campbell, the reporter has handed you

4 two documents. We've marked them in sequence

5 Exhibits 9 and 10. 12:07:56

6 Exhibit 9 is a document captioned "Class

7 Action Complaint." It's file-stamped at the top

8 December 30, 2013. I'll represent to you that's

9 your original complaint against Facebook in this

10 action. 12:08:10

11 Exhibit 10 is filed April 25th, 2014,

12 titled "Consolidated Amended Class Action

13 Complaint."

14 Let's start with Exhibit No. 9. Do you

15 recognize this document? 12:08:30

16 A Yes.

17 Q Is this your original complaint against

18 Facebook in this action?

19 A Yes.

20 Q And you reviewed this document before it 12:08:35

21 was filed?

22 A Yes.

23 Q Did you -- do you recall whether or not,

24 yes or no, you made any changes to this before it

25 was filed? 12:08:42

1 A That was a decision by one of the 12:17:18
2 attorneys involved or all of the attorneys involved.

3 Q Did you review the initial disclosures
4 served on behalf of the plaintiffs in this case?

5 A Yes. 12:17:30

6 Q Did you review the supplemental initial
7 disclosures?

8 A Yes.

9 Q Did you review the responses served on
10 your behalf to Facebook's interrogatories? 12:17:39

11 A Yes.

12 Q And did you review a set of corrected
13 responses to Facebook's interrogatories?

14 A Yes.

15 Q How about the document requests, responses 12:17:49
16 to the document requests? Did you review those
17 before they were filed?

18 A Yes.

19 Q Did you sign any of these documents?

20 A I don't recall one way or the other. 12:18:03

21 Q Do you remember reviewing all these
22 responses for accuracy?

23 A Yes.

24 Q Did you make every effort to make sure
25 they were correct? 12:18:12

1 A Partly. I'm referring to any of the 14:32:07
2 actions that qualify as a breach of my privacy.
3 It's not necessarily limited to just the instances
4 where the "Like" count increased.

5 Q Okay. Then I'm confused. What other 14:32:19
6 breaches of your privacy other than the conduct I
7 thought we were talking about, which is the
8 transmission of a URL through a private message?

9 A That's distinct from the increased "Like"
10 count. I understood your previous question to be 14:32:33
11 limiting my harms to only when the "Like" count
12 increased.

13 Q Fair enough. I wasn't intending to be
14 that precise.

15 A Okay. 14:32:42

16 Q Let me maybe restart.

17 I asked you if you've suffered any harm
18 from your continued use of Facebook. You said no
19 because you understand that conduct had ceased.

20 By "that conduct" in that response, you're 14:32:54
21 referring to the transmission of the URL through a
22 message?

23 A I'm referring to Facebook's interception
24 of a URL sent in the message, yes.

25 Q An interception for the purpose of 14:33:11

1 increasing the "Like" count on that page? 14:33:13

2 A No, the interception itself is the breach
3 of privacy.

4 Q And do you believe that Facebook is
5 continuing to intercept URLs through messages? 14:33:24

6 A My understanding is that they are not, at
7 least not in the -- my understanding is that they're
8 not continuing the same behavior, which is why I've
9 continued to use the messaging service.

10 Q What's the -- when you say "same 14:33:38
11 behavior," I'm just trying to understand. What is
12 the specific behavior you're talking about?

13 A The interception -- the access of the
14 content of the messages and the related interception
15 of any URLs that are contained therein. 14:33:53

16 Q In a way that increases the "Like" count
17 of that URL?

18 A No. Again, that's a separate issue
19 whether there's an increase. I'm saying from the
20 moment when I hit "Send," my understanding is that 14:34:11
21 Facebook is no longer intercepting that URL in any
22 form, regardless of whether Facebook is still going
23 and increasing the "Like" count officially as a
24 result.

25 Q We discussed earlier how -- and you 14:34:26

1 before I hit "Send." I assume that until I hit 14:36:49
2 "Send," Facebook isn't doing anything with it.
3 BY MR. CHORBA:
4 Q Not even rendering a URL preview?
5 A Obviously I don't assume that they don't 14:37:00
6 do that since we've discussed it. I know that they
7 do that.
8 Q So they're doing something.
9 A Again, my understanding was that was just
10 a function of the software. It was -- and it was 14:37:08
11 something that the user could choose to include or
12 not include.
13 Q On what basis do you base your testimony
14 that there were no more interceptions of messages
15 containing URLs after October 2012? 14:37:21
16 A It's my understanding that's what Facebook
17 said.
18 Q Where?
19 A I believe it was discussed in The Wall
20 Street Journal article. If not, it might have been 14:37:34
21 information or assurances I received maybe from
22 somebody else. I assumed it was in The Wall Street
23 Journal article. That was my understanding, is that
24 Facebook had already said, "We're not doing that
25 anymore." 14:37:56

1 Q And by "doing that," do you mean just 14:37:57
2 intercepting generally or incrementing the "Like"
3 count through URLs shared over private message?

4 A Both.

5 Q Have you done anything to verify whether 14:38:13
6 or not Facebook is continuing to engage in the
7 conduct that you challenge in the complaint?

8 MR. CARNEY: Object to form.

9 THE WITNESS: No. I assume that -- no.

10 BY MR. CHORBA: 14:38:37

11 Q Mr. Campbell, do you have any information
12 or any basis of any kind that Facebook has targeted
13 an ad to you based on something that you put in a
14 message on Facebook?

15 A That Facebook itself has targeted an ad to 14:38:51
16 me?

17 Q Yes.

18 A Online ads or --

19 Q Any type of advertising.

20 A As I testified earlier, I don't see ads on 14:39:01
21 pretty much any website. So, no, I haven't seen
22 that.

23 Q You mentioned that some websites, they
24 sometimes sneak through. In those instances -- I'm
25 trying to figure out if you have any basis for 14:39:13

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1 the actual messages downloaded. But if you could 14:42:43
2 just look quickly at those pages, make sure I have
3 the stack correctly.

4 A Yes.

5 Q And again, I know that we're carving out 14:42:55
6 the Blue Hog Report page and the Pinnacle page, but
7 are these all of the Facebook messages that you've
8 sent, or are these just the ones containing URLs?

9 A They appear to be just the ones containing
10 URLs. 14:43:13

11 Q But again, that wasn't something you
12 culled from the full list; someone else did that?

13 A Correct. I provided all of them to
14 counsel.

15 Q Is it your claim in this case that 14:43:26
16 Facebook unlawfully scanned or intercepted all of
17 these messages or just some?

18 A All of them that fall within the time
19 frame up to the date where Facebook stopped scanning
20 and intercepting the messages. 14:43:41

21 Q So that October 2012 time frame?

22 A Somewhere in there.

23 Q And do you know the information that's
24 blocked out here or redacted?

25 MR. CARNEY: Object to form. 14:43:59

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

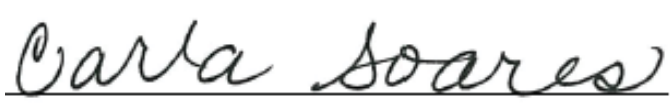
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: 05/29/2015

23 
24 Carla Soares

25 CARLA SOARES
CSR No. 5908