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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION
18

19 MATTHEW CAMPBELL and MICHAEL
HURLEY, on behalf of themselves and all
20 others similarly situated,

21 Plaintiff,

22 v.

23 FACEBOOK, INC.,

24 Defendant.

Case No. C 13-05996 PJH (MEJ)

**DECLARATION OF MELISSA GARDNER
RE JOINT ADMINISTRATIVE MOTION
TO SEAL DOCUMENTS
ACCOMPANYING CLASS
CERTIFICATION BRIEFS AND
EVIDENTIARY OBJECTIONS**

Judge: Honorable Phyllis J. Hamilton

1 I, Melissa Gardner, declare:

2 1. I am an attorney in the law firm of Lief, Cabraser, Heimann & Bernstein, LLP, a
3 member of the State Bar of California, and am admitted to practice before the United States
4 District Court for the Northern District of California. I am one of the counsel for Plaintiffs in this
5 action. I make this declaration based on my own personal knowledge. If called upon to testify, I
6 could and would testify competently to the truth of the matters stated herein.

7 2. I submit this Declaration in connection with the parties' Joint Administrative
8 Motion to Seal Documents Accompanying Class Certification Briefs and Evidentiary Objections.

9 3. Plaintiffs have designated : (1) representations of the specific content of the
10 Plaintiffs' private correspondence with third parties; and (2) information concerning third parties'
11 private affairs disclosed nowhere else in public filings and not relevant to the merits or class
12 certification, for protection from public disclosure. Compelling reasons exist to seal such
13 information because its disclosure would infringe the privacy rights of Plaintiffs and the non-
14 parties with whom they shared private Facebook messages, and, as applicable, of the non-party
15 Facebook users deposed by Facebook in this case. Further, the URLs that individuals choose to
16 share in private correspondence may reveal facts about their political views, socio-economic
17 status, and other private activities, which, in some instances, could be used for scandalous or
18 libelous purposes. Because these limited portions of the records sought to be sealed do not
19 include any information vital to understanding the nature of these proceedings in the context of
20 class certification, the public interest in access to the information is minimal. Accordingly,
21 Plaintiffs respectfully request that the Court authorize that portions of the following documents be
22 filed under seal, as designated below:

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Document	Sealable Portions	Reason for Confidentiality
Exhibit 4 to the Declaration of Melissa Gardner in support of Plaintiffs' Motion for Class Certification ("Gardner Cert. Declaration") (FB000005502-R)	pp. 1 text from "12, 10, 2, 29, 0" to "url_info"; from "3 values" to "array"; from "external_faviconurl" to "URL" pp. 2 text from "Array (with 3 values)" to "width"; from "Array (with 3 values)" to	Exhibit is a representation of information stored by Facebook concerning a private Facebook message sent by a Plaintiff, submitted in evidence to establish that such information is tracked

28

Document	Sealable Portions	Reason for Confidentiality
	<p>“width”</p> <p>pp. 9 text from beginning of page to “getConfigs ()”</p> <p>pp. 11 text from beginning of page to “getExternalIframe” from “getExternalURI” to “getExternalURL”; from “getExternalURL” to “get ExternalVideo”</p> <p>pp. 12 text from “Array (” to “(width)”; from “Array (” to “[width]”</p> <p>pp. 13 text from beginning of page to “[width]”; from “Array (” to “[width]”</p> <p>pp. 14 text from “getProfileURI ()” to “getRankedImages ()”</p> <p>pp. 15 text from “Array (” to “getReportTokenToLoadFrom”</p> <p>pp. 16 text from “getSiteDomain” to “getSiteName”; from “getURL()” to end of page</p> <p>pp. 17 text from “THH\string” to “getVideoShare ()”</p> <p>pp. 18 text from “[external_url] =>” to “[url_info]”; from “Array (” to end of page</p> <p>pp. 19 text from beginning of page to “)”; from “)” to “[last_crawl_time]”</p> <p>pp. 20 text from beginning of page to “[width]”; from “Array (” to “[width]”</p> <p>pp. 21 text from “Array (” to “[ranking_model_version]”¹</p>	<p>and stored. Designated text is representation of URL content of private message.</p> <p>Disclosure would infringe upon privacy of Plaintiff-author, and recipient, and the public interest in this information is minimal.</p>

¹ Additional redactions appearing on pp. 6-7, 9-10, and 14 of both the highlighted and redacted version of Exhibit 4 to the Gardner Cert. Declaration are redactions that were made by Facebook when this document was produced in discovery.

Document	Sealable Portions	Reason for Confidentiality
<p>Exhibit 20 to the Gardner Cert. Declaration (Facebook, Inc.'s Supplemental Responses and Objections to Narrowed Second Set of Interrogatories)</p>	<p>At Exhibit 1, pp. 1-3: text in "URL" column of table</p>	<p>Exhibit is discovery responses from Defendant. Portions designated for sealing are representations of URL content of Plaintiffs' private messages. Disclosure would infringe upon privacy of authors and recipients, and the public interest in this information is minimal.</p>
<p>Exhibit 35 to the Gardner Cert. Declaration (FB000005802-R)</p>	<p>pp. 1 text from "external_url" to "external_img"; text from "Array (with 3 values)" to end of page; text from "getDataURL()" to end of page.</p> <p>pp. 2 text from "main_blurb" to "external faviconurl"; text from "external faviconurl" to "last_crawl_time"; from "Array (with value 1)" to "ranking_model_version: 10".</p> <p>pp. 9 text from "EntityTool" to "getConfigs() array"</p> <p>pp. 10 text from "getDescription()" to "getDeteotedLanguage (): BB/string"</p> <p>p.11 text from "getExternalImageURL" to "getExternalURI ()"; from "getExternalURI ()" to "getExternalURL ()"</p> <p>p.12 text from "Array" to "[width] => 200"; from "Array" to "[width] => 300";</p> <p>pp. 14 text from "getName ()" to "getOwnerID ()"; from "getProfileURI ()" to "getRankedImages ()" from "Array" to "getReportTokenToLoadFrom (): HH/string"</p> <p>pp. 15 text from "getSiteDomain ()" to "getSiteName ()"; from "getTitle ()" to "getTrackinginfo ()"</p>	<p>Exhibit is a representation of information stored by Facebook concerning a private Facebook message sent to a Plaintiff, submitted in evidence to establish that such information is tracked and stored. Designated text is representation of URL content of private message. Disclosure would infringe upon privacy of nonparty-author and recipient, and the public interest in this information is minimal.</p>

Document	Sealable Portions	Reason for Confidentiality
	<p>pp. 16 text from “getURL” to “getURLObjID ()”; from “getUserURL (): HH/string” to “getVideoShare (): ExternalVideoShare”</p> <p>pp. 17 text from “[category] => 100” to “[location] =>”; from “[external_url] =>” to “[url_info] =>”; from “[canonical] =>” to end of page</p> <p>pp. 18 text from beginning of page to “[external_faviconurl]: =>”; from “[external_faviconurl]: =>” to “[last_crawl_time] =>”; from “[last_scrape] =>” to “[lang] =>”</p> <p>pp. 19 text from “[0] => Array” to “[width]”</p> <p>pp. 20 text from “[images] => Array” to “[ranking_model_version]”²</p>	
<p>The Declaration of Christopher Chorba In Support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Class Certification (“Chorba Declaration”)</p>	<p>5:18, 24-25</p>	<p>Portions designated for sealing are representations of URL content of Plaintiffs’ private messages. Disclosure would infringe upon privacy of authors and recipients, and the public interest in this information is minimal.</p>
<p>Exhibit M to the Chorba Declaration (Deposition testimony of Plaintiff Michael Hurley)</p>	<p>107:12; 111:18, 24-25; 112:1, 115:10, 11, 16, 17, 21; 120:4-6; 136:6-14</p>	<p>Portions designated for sealing are representations of URL content of Plaintiff’s private messages and/or personal affairs of non-parties to this litigation. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.</p>

² Additional redactions appearing on pp. 2, 6-7, 9, and 19 of both the highlighted and redacted version of Exhibit 35 to the Gardner Cert. Declaration are redactions that were made by Facebook when this document was produced in discovery.

Document	Sealable Portions	Reason for Confidentiality
Exhibit O to Chorba Declaration (Plaintiff Matthew Campbell's Corrected Responses to Facebook Inc.'s First Set of Interrogatories)	At Exhibit 1 pp. 1-114: text in "URL" column of table	Portions designated for sealing are representations of URL content of Plaintiff's private messages. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.
Exhibit P to the Chorba Declaration (Plaintiff Michael Hurley's Responses to Facebook, Inc.'s First Set of Interrogatories)	At Exhibit 1, pp. 1-3: text in "URL" column of table	Portions designated for sealing are representations of URL content of Plaintiff's private messages. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.
Exhibit Q to the Chorba Declaration (David Shadpour's Corrected Responses to Facebook, Inc.'s First Set of Interrogatories)	At Exhibit 1, pp. 1-2: text in "URL" column of table	Portions designated for sealing are representations of URL content of former Plaintiff's private messages. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.
Exhibit S to the Chorba Declaration (Private Facebook messages produced in discovery by Matthew Campbell)	pp. 1-181: URLs contained in private Facebook messages sent to or received from third parties	Portions designated for sealing are representations of URL content of Plaintiff's private messages. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.
Exhibit T to the Chorba Declaration (Private Facebook messages produced in discovery by Matthew Campbell)	pp. 1-55: URLs contained in private Facebook messages sent to or received from third parties	Portions designated for sealing are representations of URL content of Plaintiff's private messages. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.

Document	Sealable Portions	Reason for Confidentiality
Exhibit V to the Chorba Declaration (Private Facebook messages produced in discovery by Michael Hurley)	pp. 1-3: URLs contained in private Facebook messages sent to or received from third parties	Portions designated for sealing are representations of URL content of Plaintiff's private messages. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.
Exhibit W to the Chorba Declaration (Letter from Plaintiffs' counsel David Rudolph to Defendant's Counsel Joshua Jessen)	pp. 3-5: text in "URL" column of table	Portions designated for sealing are representations of URL content of Plaintiff's private messages. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.
Exhibit GG to the Chorba Declaration (deposition testimony of non-party)	67:24-25; 68:1-9	Portions designated for sealing concern personal affairs of non-parties to this litigation. Disclosure would infringe upon privacy of non-parties, and the public interest in this information is minimal.
Exhibit HH to the Chorba Declaration (deposition testimony of non-party)	201:14-16; 231:12	Portions designated for sealing concern URL content of private messages between Plaintiff and non-party. Disclosure would infringe upon privacy of Plaintiff and non-parties, and the public interest in this information is minimal.
The Expert Report of Dr. Catherine Tucker	pp. 12, Fig. 2 pp. 12, ¶ 33 pp. 13, fig. 3, fn. 23, 24 pp. 14, ¶ 34, fn. 25, 27 pp. 16, fn. 32 pp. 21, ¶ 48, fn. 43 pp. 22-23, ¶ 52 pp. 23, fig. 8 pp. 23, ¶ 53 pp. 23, ¶ 54	Portions designated for sealing are representations of, or discussions of specific information concerning URL content of private messages between Plaintiffs and non-parties. Disclosure would infringe upon privacy of Plaintiffs and non-parties, and the public interest in this information is minimal.

