

EXHIBIT GG

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW CAMPBELL, MICHAEL
HURLEY and DAVID SHADPOUR,
Plaintiffs,

VS. Case Number
FACEBOOK, INC., C 13-05996 PJH
Defendant.

CONFIDENTIAL

DEPOSITION OF [REDACTED]
TAKEN ON BEHALF OF THE DEFENDANT
ON AUGUST 10, 2015, BEGINNING AT 8:59 A.M.
IN LITTLE ROCK, ARKANSAS

Reported by:
Cheryl D. Glenn, CSR, RPR
JOB No. 2115706

PAGES 1 - 166

1	Q. How did you do that? How did you dig in and	09:49:16
2	find out how ads work?	09:49:19
3	A. Facebook help pages on ads.	09:49:23
4	Q. When did you review the Facebook help pages	09:49:29
5	on ads?	09:49:32
6	A. Gosh. When was that? It was probably 2013,	09:49:40
7	2014, somewhere in there.	09:49:58
8	Q. Did you visit the Facebook developer site?	09:49:59
9	A. I've been there, yeah.	09:50:08
10	Q. When have you visited the Facebook developer	09:50:13
11	site?	09:50:15
12	A. I'm not sure.	09:50:18
13	Q. What's your best estimate?	09:50:26
14	A. Probably when I was looking at the ad stuff	09:50:31
15	and helping him with that. So, 2013, 2014, right in	09:50:35
16	that period.	09:50:44
17	Q. So, you think the first time that you visited	09:50:45
18	the Facebook developer site was probably in 2013 or	09:50:51
19	2014?	09:50:54
20	A. Yeah.	09:50:55
21	Q. Might you have visited the developer site	09:50:56
22	before then?	09:50:59
23	A. It's possible.	09:51:00
24	Q. You mentioned before that these are targeted	09:51:13
25	ads?	09:51:20

1	Q. Thank you.	10:51:21
2	Do you have an understanding of what goes into the	10:51:23
3	like count that's listed here next to these articles	10:51:27
4	or next to the -- I guess let's take them in turn.	10:51:30
5	Do you have an understanding of what goes into the	10:51:34
6	like count next to the like button on these articles?	10:51:36
7	A. My understanding is it is a count of the	10:51:39
8	people who have clicked the like buttons.	10:51:43
9	Q. On what -- what facts do you base that	10:51:54
10	understanding?	10:52:10
11	A. I don't know that there's specific facts, but	10:52:14
12	I base that on my understanding of the functionality	10:52:18
13	of the button. It just seems logical that it would	10:52:24
14	count the number of people who have clicked like.	10:52:30
15	Q. Do you think it's beneficial to have Facebook	10:52:37
16	social plug-in functionality on the website?	10:52:42
17	A. Yes.	10:52:46
18	Q. Can you explain what -- what you think the	10:52:47
19	benefits are?	10:52:49
20	A. The benefits are helping to expand the reach	10:52:50
21	of articles, just to generate awareness of -- of how	10:53:03
22	many people find the article interesting, I guess.	10:53:18
23	It would be how quantify that.	10:53:28
24	[REDACTED]	10:53:34
25	[REDACTED]	10:53:43

1	[REDACTED]	10:53:46
2	[REDACTED]	10:53:52
3	[REDACTED] [REDACTED] [REDACTED]	10:53:56
4	[REDACTED]	10:54:06
5	[REDACTED]	10:54:09
6	[REDACTED]	10:54:14
7	[REDACTED]	10:54:14
8	[REDACTED]	10:54:17
9	[REDACTED]	10:54:27
10	A. I don't recall.	10:54:28
11	Q. If the company website has Facebook	10:54:33
12	functionality, would you have been the person who	10:54:46
13	installed it?	10:54:49
14	MR. CARNEY: Object to form.	10:54:51
15	THE WITNESS: Not necessarily. I don't	10:54:58
16	think it does, though.	10:55:04
17	Q. (By Ms. Maute) Who else has control over the	10:55:07
18	company website?	10:55:10
19	A. Nobody.	10:55:10
20	Q. Do you understand you were the only person	10:55:14
21	who has made changes to that website since its	10:55:17
22	creation?	10:55:21
23	A. Yes.	10:55:21
24	Q. Have you ever run ads on the company website?	10:55:22
25	A. No.	10:55:30

1	Q. Is there a Facebook page for the site?	10:55:31
2	A. Yes.	10:55:35
3	Q. When is the last time -- did you create the	10:55:36
4	Facebook page website?	10:55:47
5	A. Yes.	10:55:48
6	Q. When is the last time that you made any	10:55:48
7	changes to the Facebook pages for the company	10:55:51
8	website?	10:55:54
9	A. Probably a year or two ago. I think that's	10:55:54
10	when I set it up maybe -- well, it's been longer than	10:56:01
11	that.	10:56:06
12	Q. And --	10:56:10
13	A. I think I updated our address or our office	10:56:11
14	hours or something like that about a year or two ago.	10:56:14
15	I had created the page probably four or five years	10:56:18
16	ago and just never did anything with it.	10:56:21
17	Q. Why did you create the page?	10:56:26
18	A. Well, I had intended to increase visibility	10:56:28
19	online but never got around to it.	10:56:37
20	Q. You're a Facebook user. Correct?	10:56:42
21	A. Yes.	10:56:52
22	Q. What is your Facebook username?	10:56:53
23	██████████	10:56:56
24	Q. What e-mail addresses have you associated	10:56:59
25	with your Facebook account?	10:57:02

1	allegations in this suit to be true?	11:54:22
2	MR. CARNEY: Object to form.	11:54:24
3	THE WITNESS: I have no idea.	11:54:25
4	Q. (By Ms. Maute) Have you investigated at all	11:54:29
5	about the Plaintiffs' claims?	11:54:35
6	A. No.	11:54:37
7	Q. I think you testified earlier that you have	11:54:37
8	sent Facebook messages since learning about this	11:54:45
9	lawsuit --	11:54:47
10	A. Yes.	11:54:48
11	Q. -- is that correct?	11:54:48
12	So, you continue to use Facebook after you've	11:54:49
13	learned of this lawsuit. Is that correct?	11:54:53
14	A. Yes.	11:54:54
15	Q. Why?	11:54:55
16	A. It's convenient. As far as use of that	11:54:56
17	content to possibly deliver ads, my understanding is	11:55:11
18	that the suit only covers a specific time period.	11:55:15
19	2010 to 2012 I think was the range. So, whatever was	11:55:24
20	being done with it is no longer being done with it,	11:55:30
21	is my understanding.	11:55:33
22	Q. How did you come to understand that the	11:55:37
23	lawsuit is about a specific time period?	11:55:42
24	A. These guys told me (indicating).	11:55:44
25	Q. Is it correct that you did not learn about	11:55:51

1	A. Yes.	
2	Q. -- that was sent previously?	12:04:25
3	A. Yes.	12:04:25
4	Q. Are you aware that Facebook's developer page	12:04:35
5	disclosed the -- that the number of likes displayed	12:04:40
6	on a third-party web page is derived in part from the	12:04:45
7	number of messages that contain a URL to that page?	12:04:49
8	A. No.	12:04:52
9	MR. CARNEY: Object to form.	12:04:52

10	Q. (By Ms. Maute) Do you personally object to	12:05:04
11	processing of Facebook messages to increase the like	12:05:06
12	-- the aggregate like count on a third-party website?	12:05:11
13	A. Can you say that again?	12:05:17
14	Q. Do you personally object to processing of	12:05:18
15	messages to increase the like count, the aggregate	12:05:22
16	anonymous like count on a third-party website?	12:05:34
17	A. Yes.	12:05:35
18	Q. Why?	12:05:36
19	A. Because just because I send a link in a	12:05:36
20	message does not mean I like that content. It could	12:05:39
21	actually be something I find totally offensive.	12:05:41
22	Q. So, do I understand you correctly that,	12:05:44
23	because you may not want to benefit the -- the owner	12:05:52
24	of that website, you wouldn't want the like count to	12:05:57
25	increase?	12:06:01

1	A. Correct.	12:06:01
2	Q. Any other reason?	12:06:02
3	A. No, not that I can think of.	12:06:07
4	Q. Do you personally object to processing	12:06:11
5	messages to serve target advertising?	12:06:15
6	A. Okay. Can you be more specific with that?	12:06:31
7	I'm not sure exactly what you're asking.	12:06:34
8	Q. Does whether you object to processing	12:06:36
9	messages for target advertising depend on what	12:06:40
10	information related to a message would be included	12:06:45
11	for target advertising?	12:06:48
12	MR. CARNEY: Object to form.	12:06:50
13	THE WITNESS: By processing messages for	12:06:52
14	targeted advertising, do you -- if -- if that means	12:07:06
15	using content of messages to provide some source or	12:07:13
16	reference as to how ads could be targeted to that	12:07:23
17	user, then yes. I -- I would opt out of that were it	12:07:26
18	a known option that I could opt out of.	12:07:34
19	Q. (By Ms. Maute) Okay. If -- if users were	12:07:37
20	aggregated into groups based on the inclusion of URLs	12:07:46
21	in their messages and that information was available	12:07:51
22	for target advertising, would you object to that	12:07:55
23	practice?	12:07:58
24	MR. CARNEY: Object to form, asked and	12:07:59
25	answered.	12:08:05

1	THE WITNESS: I think, in general, I would	12:08:06
2	object to any of my content in messages being used	12:08:13
3	for anything other than delivering a message to the	12:08:16
4	-- to the recipient.	12:08:23
5	Q. (By Ms. Maute) I'm going to refer back to	12:08:25
6	the specific question because it's -- it's more	12:08:27
7	narrow.	12:08:29
8	A. Okay.	12:08:30
9	Q. If users were aggregated, so no individual	12:08:31
10	user information, based on inclusion of URLs in their	12:08:37
11	messages, and that information was an available	12:08:44
12	bucket for target advertising, would you object to	12:08:52
13	that practice?	12:08:55
14	MR. CARNEY: Object to form, asked and	12:08:55
15	answered.	12:08:57
16	THE WITNESS: I do not like that practice	12:08:57
17	if that is what is occurring or were to occur.	12:09:00
18	Q. (By Ms. Maute) Would you stop using Facebook	12:09:05
19	if that practice were occurring?	12:09:08
20	MR. CARNEY: Objection, asked and answered.	12:09:10
21	THE WITNESS: I don't know that I would	12:09:14
22	stop using Facebook, but I would probably curve my	12:09:15
23	use of URLs in messages.	12:09:23
24	Q. (By Ms. Maute) Would you stop including URLs	12:09:31
25	in messages if that practice were occurring?	12:09:33

1	MR. CARNEY: I object to the extent that's	12:09:36
2	asked and answered. I can't remember if it has.	12:09:39
3	THE WITNESS: I would stop sending messages	12:09:48
4	with URLs of anything I objected to for certain,	12:10:00
5	because I wouldn't want to be associated with the	12:10:06
6	content.	12:10:08
7	Q. (By Ms. Maute) So, if the practice of	12:10:15
8	aggregating user base -- users based on the inclusion	12:10:23
9	of URLs in messages were a part of target	12:10:26
10	advertising, you might change your usage but it would	12:10:31
11	depend on how precisely the target advertising	12:10:34
12	worked. Is that correct?	12:10:37
13	MR. CARNEY: Object to form.	12:10:38
14	Q. (By Ms. Maute) Is it correct that you would	12:10:55
15	not necessarily discontinue your inclusion of URLs in	12:10:56
16	messages if Facebook were conducting the practice	12:11:03
17	that I described? Do I understand your testimony	12:11:07
18	correctly?	12:11:09
19	MR. CARNEY: Object to form, calls for	12:11:10
20	speculation.	12:11:12
21	THE WITNESS: Does that mean I still	12:11:16
22	answer?	12:11:22
23	MR. CARNEY: Yes. I'm sorry, yes. Yes.	12:11:22
24	I'm sorry.	12:11:24
25	THE WITNESS: My usage habits would change.	12:11:25

1	I don't know that I would stop, but it would bug me.	12:11:30
2	Q. (By Ms. Maute) Fair enough.	12:11:42
3	Do you personally object to processing messages to	12:11:44
4	deliver the message to the recipient?	12:11:52
5	A. I do not -- I do not.	12:11:55
6	MR. CARNEY: Object to form.	12:11:59
7	Q. (By Ms. Maute) Do you object to processing	12:12:00
8	of messages to filter messages in folders?	12:12:01
9	A. No.	12:12:11
10	Q. Do you object to processing messages for	12:12:12
11	storage by Facebook on servers?	12:12:17
12	A. No.	12:12:19
13	Q. Do you object to processing messages to block	12:12:21
14	malware?	12:12:25
15	MR. CARNEY: Object to form.	12:12:26
16	THE WITNESS: I guess not, no.	12:12:36
17	Q. (By Ms. Maute) Do you object to processing	12:12:39
18	messages to block viruses?	12:12:41
19	MR. CARNEY: Object to form.	12:12:44
20	THE WITNESS: No.	12:12:45
21	Q. (By Ms. Maute) Do you object to processing	12:12:50
22	messages to block spam?	12:12:53
23	MR. CARNEY: Object to form.	12:12:55
24	THE WITNESS: No.	12:12:55
25	Q. (By Ms. Maute) Do you object to processing	12:12:56

1	messages for illegal pornography?	12:13:01
2	MR. CARNEY: Object to form.	12:13:04
3	THE WITNESS: No.	12:13:05
4	Q. (By Ms. Maute) Do you object to processing	12:13:06
5	messages to detect criminal conduct?	12:13:10
6	MR. CARNEY: Object to form.	12:13:12
7	THE WITNESS: That's kind of a sketchy	12:13:12
8	question or practice. I wonder -- well, that would	12:13:26
9	depend on exactly what constituted criminal conduct	12:13:37
10	and how it was being analyzed, I would say.	12:13:40
11	Q. (By Ms. Maute) Okay. Do you object to	12:13:45
12	processing of messages to detect sexual predators?	12:13:49
13	MR. CARNEY: Object to form.	12:13:53
14	THE WITNESS: No.	12:13:54
15	Q. (By Ms. Maute) Do you object to the	12:13:54
16	processing of messages to render the appropriate	12:13:55
17	language?	12:13:59
18	MR. CARNEY: Object to form.	12:14:01
19	THE WITNESS: No.	12:14:01
20	Q. (By Ms. Maute) Do you object to processing	12:14:03
21	of messages to properly format the message when	12:14:05
22	displayed to the user?	12:14:11
23	A. No.	12:14:12
24	Q. Do you object to the processing of messages	12:14:13
25	to allow for keyword searching?	12:14:17

1	MR. CARNEY: Go ahead.	12:14:22
2	THE WITNESS: No.	12:14:24
3	Q. (By Ms. Maute) Do you object to the	12:14:25
4	processing of messages to generate URL previews?	12:14:30
5	A. No.	12:14:36
6	Q. Do you understand that this lawsuit is a	12:14:36
7	putative class action lawsuit?	12:14:55
8	A. A what class action?	12:14:47
9	Q. A proposed class action. We don't like to	12:14:49
10	say it's a class action, so...	12:14:51
11	MR. CARNEY: The ceiling would fall.	12:14:54
12	Q. (By Ms. Maute) It's a proposed class action.	12:14:59
13	A. Yes.	12:15:02
14	Q. Do you understand what class the -- the named	12:15:04
15	plaintiffs seek to represent in this case?	12:15:07
16	A. I don't know what that means.	12:15:10
17	Q. Do you understand -- understand what the	12:15:12
18	proposed class of persons is who are -- who are being	12:15:16
19	represented by Mr. Campbell?	12:15:21
20	A. I -- I'm not sure what the class is defined	12:15:23
21	as.	12:15:27
22	Q. Okay. I think you referenced earlier that	12:15:27
23	you understood that there was a -- a time period?	12:15:30
24	A. Yes.	12:15:32
25	Q. Do you -- what do you understand the relevant	12:15:32
Page 114		

1	A. I just really don't know. Never thought	01:28:33
2	about it.	01:28:35
3	Q. More than 10?	01:28:37
4	A. Sure. Yes, more than 10.	01:28:38
5	Q. Somewhere between 10 and hundreds? Okay.	01:28:40
6	How many messages that you've sent or received	01:28:44
7	included a preview of the website associated with the	01:28:53
8	URL?	01:28:57
9	A. I have no earthly idea.	01:28:57
10	Q. Can I -- I think I already gave you the	01:28:59
11	example of the URL preview, Exhibit Number 7?	01:29:06
12	A. Yeah.	01:29:09
13	Q. I think earlier you said you recalled seeing	01:29:09
14	URL previews like this one when you sent a message.	01:29:20
15	Is that correct?	01:29:23
16	A. Yes.	01:29:23
17	Q. When was the first time you saw a URL	01:29:24
18	preview?	01:29:29
19	A. I have no idea.	01:29:29
20	Q. How many times do you think you've seen a URL	01:29:31
21	preview?	01:29:40
22	A. Most likely every time I've sent a message	01:29:42
23	with a URL in it since the feature was added to	01:29:46
24	Facebook.	01:29:51
25	Q. So --	01:29:51

CONFIDENTIAL

1	A. Whenever that would have been.	01:29:52
2	Q. -- you think you might have seen hundreds of	01:29:54
3	URL previews?	01:29:57
4	A. Sure.	01:29:58
5	Q. Do you know if you can look in your inbox and	01:30:06
6	check whether a URL preview was generated for a given	01:30:10
7	message?	01:30:14
8	A. Are you asking if I could do a search to find	01:30:19
9	it or --	01:30:22
10	Q. I'm asking if you know that if you go and	01:30:22
11	look in your messages, you would be able to see if	01:30:25
12	there was a preview when the --	01:30:27
13	A. I --	01:30:29
14	Q. -- message --	01:30:29
15	A. -- I would presume that would be the case. I	01:30:30
16	don't know with certainty because I haven't had a	01:30:35
17	reason to go looking to see if the preview is there	01:30:37
18	or not.	01:30:40
19	Q. And are you -- you're presuming that just	01:30:41
20	because you've seen the URL preview before?	01:30:45
21	A. Yes.	01:30:48
22	Q. Did you ever see a URL preview and delete it	01:30:48
23	before sending a message?	01:30:57
24	A. I've done it with posts but not -- I don't	01:30:58
25	know about messages.	01:31:04

1	Q. If you can look -- look at the exhibit.	01:31:06
2	A. Uh-huh.	01:31:10
3	Q. Can you see on the right near the top of the	01:31:10
4	message there's an X?	01:31:14
5	A. Yeah.	01:31:16
6	Q. Do you see that?	01:31:16
7	A. Yeah.	01:31:17
8	Q. Do you understand that if you --	01:31:18
9	A. Yeah.	01:31:19
10	Q. -- if you would click on that, it would	01:31:19
11	delete the preview?	01:31:21
12	A. Yes.	01:31:22
13	Q. Okay. But you're -- you're -- you aren't	01:31:23
14	sure if you've ever done that before in a message?	01:31:25
15	A. With a message, I'm not sure.	01:31:32
16	Q. And do you specifically remember seeing a	01:31:34
17	preview, leaving it intact and sending a message?	01:31:41
18	A. Yes.	01:31:47
19	Q. Okay. In those instances where you saw a	01:31:50
20	preview before the message was sent, what was your	01:32:06
21	understanding of how that preview was generated?	01:32:09
22	A. The preview is generated by the -- by the	01:32:11
23	server processing the URL, going out and checking the	01:32:21
24	page of the website referenced by the URL and pulling	01:32:26
25	the title, description and picture for the preview	01:32:31

1	message?	01:35:50
2	MR. CARNEY: Object to form.	01:35:50
3	THE WITNESS: Not necessarily because the	01:35:58
4	URL could be at any point in the message before it's	01:36:03
5	complete, so it's not necessarily scanning the	01:36:08
6	message as much as it's scanning the edit box looking	01:36:12
7	for the URL itself.	01:36:18

8	Q. (By Ms. Maute) So, at least in those	01:36:24
9	instances where you saw a URL preview before you sent	01:36:31
10	the message, you understood that there was a process	01:36:37
11	being applied to the text in the edit box looking for	01:36:42
12	the URL. Is that correct?	01:36:47

13	A. Yes.	01:36:49
----	---------	----------

14	Q. Earlier I asked you about the -- the browsers	01:36:50
15	that you've used before --	01:37:02

16	A. Uh-huh.	01:37:02
----	------------	----------

17	Q. -- and you listed a few. How many different	01:37:03
18	browsers have you used to log into Facebook?	01:37:06

19	A. Four that I know of.	01:37:10
----	-------------------------	----------

20	Q. And I believe those are the same four you	01:37:11
21	mentioned earlier?	01:37:13

22	A. Yes.	01:37:14
----	---------	----------

23	Q. Do you mind just listing them again?	01:37:15
----	---	----------

24	A. Internet Explorer, Chrome, Firefox and	01:37:17
25	Safari.	01:37:22

1	Q. And did -- did your different browsers have	01:37:24
2	JavaScript enabled, if you know?	01:37:30
3	A. I -- as far as I know, yes, but I think	01:37:32
4	Chrome just discontinued support for Java.	01:37:40
5	Q. Did you ever do anything to your browsers to	01:37:48
6	enable JavaScript?	01:37:53
7	A. Well, I installed Java, so...	01:37:54
8	Q. Okay. Do you know how many of the websites	01:38:00
9	at the URLs contained in your messages had a like	01:38:14
10	button social plug-in on them?	01:38:20
11	A. I have no clue.	01:38:22
12	Q. So, some of the websites at the URLs you've	01:38:25
13	included in messages have had like buttons, maybe	01:38:31
14	others have not. Is that correct?	01:38:38
15	MR. CARNEY: Object to form, asked and	01:38:39
16	answered.	01:38:40
17	THE WITNESS: I would presume that to be	01:38:40
18	the case, because not every site has a like button on	01:38:42
19	every page.	01:38:46
20	Q. (By Ms. Maute) So, is it fair to say that	01:38:47
21	you don't know if a given URL in your messages	01:38:54
22	actually incremented a like count on a third-party	01:39:00
23	website?	01:39:04
24	A. Correct.	01:39:04
25	Q. Do you understand whether your name has ever	01:39:04
Page 127		

1 been associated with an increment on a like count on 01:39:17
2 a third-party website? 01:39:24
3 MR. CARNEY: Object to form. 01:39:31
4 THE WITNESS: Yes. 01:39:32
5 Q. (By Ms. Maute) Can you explain that? 01:39:32
6 A. For -- for example, on Exhibit 4, on page 2, 01:39:33
7 there is the "find us on Facebook" box that shows the 01:40:08
8 count of people who like it and then display profile 01:40:16
9 pictures. I have seen my profile picture in boxes 01:40:20
10 like this before, so that would directly mean that 01:40:25
11 it's attributed to me. 01:40:30
12 Q. And has that -- what you just described, has 01:40:33
13 that happened in particular with the Blue Hog Report 01:40:36
14 website where you've seen -- 01:40:39
15 A. As I recall, yes. 01:40:42
16 Q. -- your name associated with an increase in 01:40:43
17 the like count? 01:40:46
18 Have you clicked like on the Blue Hog Report like 01:40:49
19 button? 01:40:55
20 A. Yes. 01:40:55

21 Q. Do you know whether your name has ever been 01:40:56
22 associated with an increment in a like count on a 01:40:59
23 third-party website as a result of including a URL in 01:41:05
24 one of your messages? 01:41:08
25 A. I have no knowledge of that. 01:41:09

1	Q. Do you object to an aggregate anonymous like	01:41:19
2	count?	01:41:24
3	A. Just in general?	01:41:25
4	Q. Yes.	01:41:26
5	MR. CARNEY: Object to form.	01:41:27
6	THE WITNESS: No.	01:41:28
7	Q. (By Ms. Maute) Do you know if you have any	01:41:39
8	way of determining whether your name has been	01:41:41
9	associated with an increment on a third-party like	01:41:44
10	count as a result of including a URL in a Facebook	01:41:47
11	message?	01:41:50
12	A. I --	01:41:50
13	MR. CARNEY: It's fine.	01:41:55
14	THE WITNESS: I do not know of how I could	01:41:57
15	determine that.	01:42:04
16	(Whereupon, [REDACTED] Deposition Exhibit 8	01:42:28
17	was marked for identification and made part of the	
18	record.)	01:42:29
19	Q. (By Ms. Maute) The court reporter has handed	01:42:29
20	you a document marked as Exhibit 8. I will represent	01:42:33
21	to you that this document is Plaintiff Matthew	01:42:36
22	Campbell's Corrected Objections and Responses to the	01:42:39
23	First Set of Interrogatories in this case.	01:42:43
24	Do you recognize this document?	01:42:45
25	A. No.	01:42:48

1	A. Yeah, I have no idea what that URL	01:46:22
2	references.	01:46:24
3	Q. Did you consent to the -- the receipt of this	01:46:25
4	message by Facebook when you sent it?	01:46:33
5	MR. CARNEY: Object to form.	01:46:36
6	THE WITNESS: Yes. Wait a minute. Receipt	01:46:37
7	of the message by Facebook?	01:46:57
8	Q. (By Ms. Maute) Uh-huh.	01:46:58
9	A. Well, I sent it to Matt, not to Facebook, so	01:47:01
10	I consented to Facebook sending the message.	01:47:06
11	Q. Do you understand that, in the course of	01:47:10
12	sending it to Matt, the -- I'm sorry -- the message	01:47:20
13	would be acquired by Facebook?	01:47:24
14	MR. CARNEY: Object to form.	01:47:26
15	THE WITNESS: I understood it would go	01:47:26
16	through their servers, their messaging system.	01:47:32
17	Q. (By Ms. Maute) Do you know if Matthew	01:47:36
18	consented to the message going to the Facebook	01:47:42
19	servers in their messaging system?	01:47:52
20	MR. CARNEY: Object to form.	01:47:55
21	THE WITNESS: I have no idea what he did or	01:47:56
22	didn't consent to.	01:47:57
23	Q. (By Ms. Maute) This message appears to have	01:48:04
24	a URL in it. Is that correct?	01:48:06
25	A. Yes.	01:48:07

1	Q. Do you know whether this message was	01:48:12
2	processed by Facebook?	01:48:19
3	MR. CARNEY: Object to form.	01:48:22
4	THE WITNESS: Facebook would have been the	01:48:23
5	one to send it from me to Matt, so I presume that's	01:48:30
6	what you mean by "processing".	01:48:35
7	Q. (By Ms. Maute) Earlier we discussed some of	01:48:40
8	the processes that take place prior to sending a	01:48:44
9	message?	01:48:49
10	A. Okay.	01:48:51
11	Q. That Facebook would detect a URL in the --	01:48:51
12	what you called the edit box. Do you understand that	01:48:56
13	Facebook detected this URL when it was in the edit	01:48:59
14	box before you sent it?	01:49:03
15	MR. CARNEY: Object to form.	01:49:07
16	THE WITNESS: Yes.	01:49:08
17	Q. (By Ms. Maute) Do you know whether Matthew	01:49:16
18	Campbell is aware of those processes?	01:49:24
19	MR. CARNEY: Object to form.	01:49:27
20	THE WITNESS: I'm not going to answer to	01:49:27
21	what he may or may not know.	01:49:33
22	Q. (By Ms. Maute) Because you don't know?	01:49:36
23	A. I don't want to speak for someone else for	01:49:38
24	what they may or may not know or have consented to.	01:49:40
25	Q. If you have an understanding about Matthew	01:49:43

1	Campbell's knowledge, I'd like you to answer. But,	01:49:46
2	if you don't know, that's fine; you can just say that	01:49:49
3	you don't know what his understanding was?	01:49:52
4	A. I don't know. I've never discussed it with	01:49:54
5	him.	01:49:56
6	Q. Thank you.	01:49:56
7	Do you know if -- if Matthew Campbell has ever	01:49:57
8	visited a Facebook developer page?	01:50:05
9	MR. CARNEY: Object to form.	01:50:08
10	THE WITNESS: I believe he has.	01:50:09
11	Q. (By Ms. Maute) Do you know whether he's	01:50:16
12	ever, in particular, visited a developer Facebook	01:50:19
13	page that lists the inputs to the like count on	01:50:22
14	third-party websites?	01:50:25
15	MR. CARNEY: Object to form.	01:50:27
16	THE WITNESS: I have no knowledge of his	01:50:27
17	visiting that site.	01:50:31
18	Q. (By Ms. Maute) Do you know if Matthew	01:50:31
19	Campbell ever saw any articles or press coverage	01:50:40
20	about Facebook processing messages?	01:50:46
21	A. I have --	01:50:51
22	MR. CARNEY: Object to form.	01:50:52
23	THE WITNESS: I have no idea.	01:50:54
24	Q. (By Ms. Maute) I think you might have	01:50:55
25	testified earlier that you don't have a recollection	01:51:05

1	Q. (By Ms. Maute) Do you know if you saw a URL	01:56:27
2	preview before sending this message?	01:56:29
3	A. It's highly unlikely.	01:56:33
4	Q. If you -- it is unlikely that you saw a URL	01:56:35
5	preview before sending this message?	01:56:38
6	A. It's unlikely there would have been a	01:56:39
7	preview.	01:56:43
8	Q. Why is that?	01:56:43
9	A. It's a PDF file.	01:56:44
10	Q. Why do you think there would be no preview	01:56:47
11	for a PDF file?	01:56:49
12	A. Because there's no way to specify a title	01:56:51
13	image or description in a PDF file for Facebook to	01:56:55
14	grab and present.	01:57:03
15	Q. And why do you have that understanding?	01:57:04
16	A. I guess because I've sent PDFs before.	01:57:06
17	Q. Do you know whether the website that this URL	01:57:21
18	directed to had a Facebook like button social	01:57:28
19	plug-in?	01:57:32
20	A. I don't know for sure, but I don't think it	01:57:32
21	does.	01:57:44
22	(Whereupon, [REDACTED] Deposition Exhibit 11	01:57:49
23	was marked for identification and made part of the	01:58:04
24	record.)	01:57:57
25	Q. (By Ms. Maute) The court reporter has handed	01:57:57

1	you Exhibit Number 11. I'll represent to you this is	01:58:02
2	a printout of the -- of the website that is at the	01:58:07
3	URL included in the -- the message we were just	01:58:11
4	discussing.	01:58:14
5	A. Uh-huh.	01:58:14
6	Q. This does not include a like button social	01:58:16
7	plug-in, does it?	01:58:22
8	A. No, it does not.	01:58:23
9	Q. So, when you shared this link in this	01:58:24
10	message, do you understand that there would be no	01:58:35
11	like count on any third-party website that would be	01:58:38
12	incremented?	01:58:42
13	MR. CARNEY: Object to form.	01:58:43
14	THE WITNESS: I would presume that to be	01:58:43
15	the case.	01:58:45
16	Q. (By Ms. Maute) Okay. We're going to go back	01:58:45
17	to Exhibit Number 8. We're done with that one.	01:58:56
18	Please refer to item 281, which I believe is on	01:59:09
19	page 22.	01:59:15
20	A. Okay.	01:59:19
21	Q. Please also refer to message on Campbell41.	01:59:20
22	I believe it's the sixth message down.	01:59:37
23	A. Okay.	01:59:48
24	Q. This message is from you to Matt Campbell.	01:59:49
25	Correct?	01:59:54
Page 139		

1 MR. CARNEY: Object to form. 02:04:14

2 THE WITNESS: Yes. 02:04:14

3 Q. (By Ms. Maute) Do you know if you saw a URL 02:04:15

4 preview before sending a message with this URL? 02:04:21

5 A. I don't recall. 02:04:25

6 Q. Do you know what kind of browser you were 02:04:28

7 using when you sent this message? 02:04:30

8 A. No. 02:04:31

9 Q. Do you know if you had JavaScript enabled? 02:04:32

10 A. I don't know. 02:04:36

11 Q. Do you know if this site had a Facebook like 02:04:37

12 button social plug-in? 02:04:39

13 A. Yes. 02:04:41

14 (Whereupon, [REDACTED] Deposition Exhibit 13 02:05:03

15 was marked for identification and made part of the 02:05:16

16 record.) 02:05:03

17 Q. (By Ms. Maute) The court reporter has handed 02:05:03

18 you what's been marked as Exhibit Number 13. I'll 02:05:05

19 represent this is a printout of the document 02:05:07

20 available at the URL in your message. This document 02:05:10

21 does contain a like button social plug-in. Is that 02:05:13

22 correct? 02:05:16

23 A. Yes. 02:05:16

24 Q. Do you know if the like count increased on 02:05:17

25 this website after you sent your message to 02:05:19

1	A. That's --	02:09:32
2	Q. -- of the developer site?	02:09:32
3	A. The page that covers sharing buttons and like	02:09:34
4	buttons with the script for inserting them on a page.	02:09:45
5	Q. Do you know if Matthew Campbell clicked on	02:09:50
6	the link?	02:10:14
7	MR. CARNEY: Object to form.	02:10:15
8	THE WITNESS: I don't know.	02:10:15
9	Q. (By Ms. Maute) Did you consent to the	02:10:17
10	processing of this message?	02:10:32
11	MR. CARNEY: Object to form.	02:10:34
12	THE WITNESS: Yes.	02:10:34
13	Q. (By Ms. Maute) Do you know what	02:10:35
14	understanding [REDACTED] had about whether this	02:10:43
15	message would be processed?	02:10:46
16	MR. CARNEY: Object to form.	02:10:48
17	THE WITNESS: I have no idea.	02:10:48
18	Q. (By Ms. Maute) Do you know if [REDACTED]	02:10:50
19	[REDACTED] consented to the processing of this message?	02:10:53
20	A. I --	02:10:57
21	MR. CARNEY: Object to form.	02:11:02
22	THE WITNESS: -- don't know.	02:11:02
23	Q. (By Ms. Maute) Do you know if you saw a URL	02:11:04
24	preview before sending this message?	02:11:05
25	A. I don't recall.	02:11:06

1	preview before sending this message?	02:16:16
2	A. I don't --	02:16:20
3	MR. CARNEY: Object to form.	02:16:21
4	THE WITNESS: I don't recall.	02:16:21
5	Q. (By Ms. Maute) Do you know what kind of	02:16:22
6	browser you were using when you sent this message?	02:16:23
7	A. No.	02:16:32
8	Q. Do you know if you had JavaScript enabled?	02:16:32
9	A. No.	02:16:35
10	Q. Do you know if this site had a Facebook like	02:16:35
11	button social plug-in?	02:16:40
12	A. No.	02:16:41
13	(Whereupon, [REDACTED] Deposition Exhibit 15	02:16:47
14	was marked for identification and made part of the	02:17:06
15	record.)	02:16:57
16	Q. (By Ms. Maute) The court reporter has handed	02:16:57
17	you what's been marked as Exhibit 15. I'll represent	02:16:59
18	this is a printout of the website at the URL in your	02:17:02
19	message.	02:17:05
20	This page does not contain a like button social	02:17:07
21	plug-in. Is that correct?	02:17:12
22	A. Correct.	02:17:13
23	Q. If this page did not contain a like button	02:17:14
24	social plug-in on the day you sent your message, you	02:17:19
25	understand that no like count on any website would be	02:17:23

1	A. A long time.	02:27:31
2	Q. More than five years?	02:27:34
3	A. Yes.	02:27:35
4	Q. How long have you had a Google+ account?	02:27:38
5	A. I really don't know.	02:27:43
6	Q. More than five years?	02:27:48
7	A. I'm not sure. I don't know when the plus	02:27:49
8	part of Google got forced upon people.	02:27:53
9	Q. I think you testified earlier that you use	02:27:57
10	Twitter a lot more than you used to --	02:28:16
11	A. Yes.	02:28:18
12	Q. -- is that correct?	02:28:19
13	Is it fair to say that when you are going to	02:28:20
14	communicate something through social media, you make	02:28:28
15	a choice about which service to use?	02:28:33
16	A. Yes.	02:28:35
17	Q. So, you don't have to use Facebook to	02:28:44
18	communicate electronically. Is that correct?	02:28:46
19	A. I don't have to, but, depending on the use or	02:28:49
20	content, it dictates which service I'm going to use.	02:28:58
21	Q. Now that you're aware of this lawsuit, do you	02:29:05
22	intend to continue to use Facebook to communicate	02:29:12
23	electronically?	02:29:16
24	MR. CARNEY: Objection, asked and answered.	02:29:18
25	THE WITNESS: Yes.	02:29:19

CONFIDENTIAL

1	Q. (By Ms. Maute) Do you intend to continue to	02:29:21
2	use Facebook messages?	02:29:29
3	A. Yes.	02:29:30
4	MR. CARNEY: Objection.	02:29:31
5	Q. (By Ms. Maute) Why is that?	02:29:32
6	A. Because, as I understand it, the process of	02:29:33
7	the nature of this case occurred in a specific time	02:29:46
8	period and it's no longer happening, and -- and	02:29:50
9	that's it.	02:29:57
10	Q. Have you been harmed by Facebook's conduct	02:29:57
11	that's been challenged in this case?	02:30:05
12	A. I don't --	02:30:07
13	MR. CARNEY: Object to form.	02:30:08
14	THE WITNESS: I don't know.	02:30:09
15	Q. (By Ms. Maute) Have you suffered any	02:30:13
16	monetary harm as a result of Facebook's conduct in	02:30:13
17	this case?	02:30:17
18	MR. CARNEY: Object to form, calls for a	02:30:19
19	legal conclusion.	02:30:21
20	THE WITNESS: I don't know.	02:30:21
21	Q. (By Ms. Maute) Are you aware of any harm	02:30:23
22	you've suffered as a result of Facebook's conduct	02:30:34
23	that's challenged in this case?	02:30:37
24	MR. CARNEY: Objection, calls for a legal	02:30:39
25	conclusion, asked and answered.	02:30:40

CONFIDENTIAL

1	THE WITNESS: I don't know.	02:30:41
2	Q. (By Ms. Maute) Do you know the specific	02:30:42
3	relief that the Plaintiffs are seeking from Facebook	02:30:55
4	in this case?	02:30:58
5	A. No, I do not.	02:30:58
6	Q. Do you have any information of any kind that	02:30:59
7	Facebook has targeted an ad to you based on something	02:31:12
8	that you put in a message?	02:31:16
9	A. Not that I am aware of.	02:31:17
10	Q. Do you read any newspapers?	02:31:30
11	A. Do you mean like the actual paper or online?	02:31:33
12	Q. That's a good question. Either?	02:31:43
13	A. Yes.	02:31:49
14	Q. What newspapers do you read?	02:31:51
15	A. The Washington Post, New York Times, Arkansas	02:31:53
16	Democrat Gazette. Those are the only papers I can	02:32:07
17	think of that are actually classified as newspapers.	02:32:14
18	Q. Do you read the Arkansas Times?	02:32:20
19	A. Yes.	02:32:23
20	Q. How about the Los Angeles Times?	02:32:25
21	A. I have probably read some of their articles.	02:32:27
22	Q. Time Magazine?	02:32:31
23	A. That's a magazine, not a newspaper, but yes.	02:32:34
24	Q. Business Insider?	02:32:41
25	A. Yes.	02:32:46

1	Q. Wall Street Journal?	02:32:47
2	A. Yes.	02:32:50
3	Q. Sports Illustrated?	02:32:50
4	A. Maybe.	02:32:52
5	Q. Specifically websites, do you read	02:33:03
6	Forbes.com?	02:33:11
7	A. Yes.	02:33:12
8	Q. Foxnews.com?	02:33:12
9	A. Only if I have to.	02:33:15
10	Q. Huffington Post?	02:33:16
11	A. Yes.	02:33:20
12	Q. Huffington Post Tech?	02:33:21
13	A. Maybe. I don't know.	02:33:24
14	Q. CNet?	02:33:26
15	A. Yes.	02:33:31
16	Q. Vice.com?	02:33:31
17	A. I'm sorry.	02:33:38
18	Q. Vice.com?	02:33:38
19	A. No.	02:33:42
20	Q. How about the Wall Street Journal Digits	02:33:42
21	blog?	02:33:46
22	A. I don't know.	02:33:46
23	Q. Mashable?	02:33:46
24	A. I may have seen an article or two from there.	02:33:53
25	Q. Okay. Politico?	02:33:56

1	A. Yes.	02:34:04
2	Q. Wired?	02:34:04
3	A. Yes.	02:34:05
4	Q. Tech Radar?	02:34:05
5	A. Not that I know of.	02:34:07
6	Q. Daily Beast?	02:34:08
7	A. I have seen a few articles there.	02:34:11
8	Q. MSNBC.com?	02:34:17
9	A. Yes.	02:34:19
10	Q. The Next Web?	02:34:20
11	A. No.	02:34:22
12	Q. The Onion?	02:34:23
13	A. Yes.	02:34:25
14	Q. PC Mag?	02:34:30
15	A. Yes.	02:34:33
16	Q. Gizmodo?	02:34:33
17	A. Yes.	02:34:36
18	Q. CNN.com?	02:34:36
19	A. Yes.	02:34:39
20	Q. The Guardian?	02:34:40
21	A. Yes.	02:34:43
22	Q. Tech Spot?	02:34:43
23	A. Not that I know of.	02:34:47
24	Q. The Wall?	02:34:48
25	A. No.	02:34:49

1	Q. Daily Tech?	02:34:49
2	A. No.	02:34:52
3	Q. Stack Overflow?	02:34:52
4	A. Yes.	02:34:56
5	Q. Inside Facebook?	02:34:56
6	A. No.	02:35:00
7	Q. Slate?	02:35:02
8	A. Yes.	02:35:06
9	Q. CNN Tech?	02:35:07
10	A. Not that I know of.	02:35:10
11	Q. Consumerist?	02:35:12
12	A. No.	02:35:16
13	Q. Julian Evans Blog?	02:35:16
14	A. No.	02:35:20
15	Q. Social Times?	02:35:20
16	A. No.	02:35:23
17	Q. The Verge?	02:35:23
18	A. No.	02:35:28
19	Q. Web Pro News?	02:35:29
20	A. No.	02:35:32
21	Q. Motherboard?	02:35:32
22	A. No.	02:35:34
23	Q. NPR?	02:35:34
24	A. Yes.	02:35:37
25	Q. BBC?	02:35:38

1	A. Yes.	02:35:39
2	Q. Thank you.	02:35:40
3	MS. MAUTE: Do you mind if we take a quick	02:36:08
4	break?	02:36:10
5	MR. CARNEY: Not at all.	02:36:11
6	MS. MAUTE: We might be close to done.	02:36:12
7	(A break was taken.)	02:36:14
8	Q. (By Ms. Maute) We're going to take another	02:51:33
9	look at Exhibit Number 3.	02:51:47
10	(Whereupon, [REDACTED] Deposition Exhibit 16	02:52:15
11	was marked for identification and made part of the	02:52:21
12	record.)	02:52:15
13	Q. (By Ms. Maute) The court reporter has handed	02:52:15
14	you a document marked Exhibit Number 16.	02:52:18
15	A. Uh-huh.	02:52:23
16	Q. Did you produce this document today in	02:52:25
17	response to your Subpoena?	02:52:28
18	A. Yes.	02:52:29
19	Q. Can you describe what that document is?	02:52:32
20	A. It is an e-mail from Matt Campbell. And this	02:52:34
21	was the followup to his original -- well, not the	02:52:43
22	original message, but he said he was going to send me	02:52:50
23	a separate e-mail to arrange the details. And then	02:52:53
24	he sent this saying, on second thought, just so	02:53:02
25	there's no communication between you and the lawyers	02:53:07

CERTIFICATE

I, Cheryl D. Glenn, Certified Shorthand Reporter, Registered Professional Reporter, certify that the above-named witness was sworn, that the deposition was taken in shorthand and thereafter transcribed; that it is true and correct; and that it was taken on August 10, 2015, in Little Rock, county of Pulaski, state of Arkansas, pursuant to Subpoena and under the stipulations set out, and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 24th day of August, 2015.

CHERYL D. GLENN, CSR, RPR
Certificate No. 1448