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13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 MATTHEW CAMPBELL and MICHAEL
 HURLEY,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

**DEFENDANT FACEBOOK, INC.'S
 ERRATA TO EVIDENCE FILED IN
 SUPPORT OF FACEBOOK'S
 OPPOSITION TO PLAINTIFFS' MOTION
 FOR CLASS CERTIFICATION
 REGARDING CERTAIN PRE-CLASS
 PERIOD CONDUCT**

1 Facebook files this brief errata to correct and clarify certain statements contained in some of
2 the evidence submitted in support of Facebook’s Opposition to Plaintiffs’ Motion for Class
3 Certification regarding certain *pre*-class-period conduct (i.e., conduct before December 30, 2011).
4 Given that these facts concern pre-class period conduct, Facebook does not believe they are material
5 to the issues in Plaintiffs’ Motion for Class Certification. Facebook nonetheless wanted to bring this
6 information to the Court’s attention.

7 Specifically, as explained in the attached Supplemental Declaration of Alex Himel, in
8 response to what were (at the time) new assertions made by Plaintiffs in their Motion for Class
9 Certification, Facebook submitted testimony from Mr. Himel that before the start of Plaintiffs’
10 proposed class period (December 30, 2011), in some circumstances certain data regarding URL
11 attachments sent with Facebook messages *may* have been logged in a Hive table called “share_stats,”
12 which was used in certain circumstances for Facebook’s Recommendations social plugin; after the
13 start of the proposed class period, however, no data regarding URL attachments sent with Facebook
14 messages were logged in “share_stats.” (Supp. Himel Decl. ¶ 3.) Those statements were correct at
15 the time they were made, and they remain correct. (*Id.*) However, Facebook also presented
16 testimony from Mr. Himel that the “share_stats” table itself—which reflected pre-class period data—
17 was deleted prior to the beginning of the class period. (*Id.*) Facebook recently learned that the
18 “share_stats” table itself existed for a *very brief* period of time at the beginning of the proposed class
19 period. (*Id.*) Specifically, the table was deleted on January 21, 2012—which is 22 days after the start
20 of the proposed class period. (*Id.*)

21 Facebook re-confirmed that logging to the “share_stats” table in fact did stop in August 2011,
22 which was before the start of the proposed class period. Accordingly, any information in that table
23 would only have reflected *pre*-class-period data. (*Id.* ¶ 4.) Therefore, no Facebook user who sent or
24 received a message during the proposed class period could have had data regarding a URL
25 attachment for that message logged to the “share_stats” table. (*Id.*) Facebook is producing the
26 records substantiating these facts to Plaintiffs’ counsel.

27 Facebook relied on Mr. Himel’s testimony on these points in the following places in the
28 record:

- Paragraphs 9, 44, and 56 of the Expert Report of Dr. Benjamin Goldberg (Dkt. 183-12);
- Page 2, lines 21-23 in Facebook’s Objection to and Request to Strike New Evidence and Misstatements of Fact in Plaintiffs’ Reply in support of their Motion for Class Certification (Dkt. 178-4); and
- Page 87, lines 16-20 of the Reporter’s Transcript for the Hearing on Plaintiffs’ Motion for Class Certification (Dkt. 177).

Therefore, in addition to the clarifications that Mr. Himel is making to his prior declarations, those references in the record also are hereby updated to reflect the fact that while data regarding URL attachments sent with Facebook messages were never logged in the “share_stats” table during the proposed class period, the table containing pre-class-period data existed for the first 22 days of the proposed class period.

Dated: May 11, 2016

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: _____/s/_____
Christopher Chorba

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