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20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22 MATTHEW CAMPBELL and MICHAEL
HURLEY, on behalf of themselves and all
23 others similarly situated,

24 Plaintiffs,

25 v.

26 FACEBOOK, INC.,

27 Defendant.
28

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Case No. 4:13-cv-05996-PJH

**STIPULATION REGARDING REMOVAL
OF REFERENCES TO PLAINTIFFS'
PREVIOUSLY DISMISSED CLAIMS IN
THE SECOND AMENDED CLASS
ACTION COMPLAINT**

1 WHEREAS, on April 25, 2014, Plaintiffs Matthew Campbell, Michael Hurley, and David
2 Shadpour filed their Consolidated Amended Class Action Complaint (Dkt. 25);

3 WHEREAS, on December 23, 2014, the Court granted defendant Facebook, Inc.'s motion
4 to dismiss Plaintiffs' claims pursuant to California Invasion of Privacy Act section 632 and
5 California Business and Professions Code section 17200 with prejudice (Dkt. 43);

6 WHEREAS, on October 2, 2015, plaintiff David Shadpour filed a Notice of Voluntary
7 Dismissal with prejudice pursuant to Federal Rule of Civil Procedure 41(a), which Facebook did
8 not oppose (Dkt. 123);

9 WHEREAS, on May 18, 2016, the Court issued an Order Granting In Part and Denying In
10 Part Plaintiffs' Motion for Class Certification (Dkt. 192), in which the Court directed Plaintiffs to
11 "file an amended complaint, making only the following changes: (1) revising the class definition
12 to reflect the definition set forth in the class certification motion, and (2) adding allegations
13 regarding the sharing of data with third parties." (Dkt. 192 at p. 6) The Court also stated that
14 "[t]o the extent that plaintiffs seek to make any other amendments to the complaint, they must
15 obtain either leave of court or a stipulation from Facebook" (*id.*);

16 WHEREAS, in light of the Court's order on the motion to dismiss, Plaintiffs seek to
17 amend the Complaint to reflect the Court's dismissal with prejudice of Plaintiffs' claims pursuant
18 to California Invasion of Privacy Act section 632 and California Business and Professions Code
19 section 17200, but reserve their right to appeal the dismissal of these claims;

20 WHEREAS, in light of Mr. Shadpour's voluntary dismissal from the case with prejudice,
21 Plaintiffs seek to amend the Complaint to remove Mr. Shadpour; and

22 WHEREAS, Facebook has no objection to Plaintiffs' removal of the dismissed California
23 Invasion of Privacy Act section 632 and California Business and Professions Code section 17200
24 claims, as well as the voluntarily dismissed claims of Mr. Shadpour, in Plaintiffs' amended
25 Complaint;

26 NOW THEREFORE, Plaintiffs and Facebook, by and through their respective
27 undersigned counsel, hereby stipulate that Plaintiffs may remove references to the dismissed
28 California Invasion of Privacy Act section 632 and California Business and Professions Code

1 section 17200 claims, as well as to the voluntarily dismissed claims of Mr. Shadpour, in
2 Plaintiffs' amended Complaint. Facebook does not stipulate to any other changes in Plaintiffs'
3 amended Complaint, and reserves all of its rights with respect to any other amendments made by
4 Plaintiffs in their amended Complaint. Plaintiffs reserve their right to appeal the dismissal of the
5 California Invasion of Privacy Act section 632 and California Business and Professions Code
6 section 17200 claims addressed in this stipulation.

7 **IT IS SO STIPULATED.**

8 Dated: June 7, 2016

LIEFF CABRASER HEIMANN & BERNSTEIN
LLP

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10 By: /s/ Michael W. Sobol

Michael W. Sobol
Attorneys for Plaintiffs

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13 Dated: June 7, 2016

GIBSON, DUNN & CRUTCHER, LLP

14 By: /s/ Christopher Chorba

Christopher Chorba
Attorneys for Defendant Facebook, Inc.

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17 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

18 I, Michael W. Sobol, am the ECF user whose identification and password are being used
19 to file this Stipulation. I hereby attest that Christopher Chorba has concurred in this filing.

20
21 DATED: June 7, 2016

/s/ Michael W. Sobol
Michael W. Sobol