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13 *Attorneys for Plaintiffs and the Class*

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16

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

20 Plaintiffs,

21 v.

22 FACEBOOK, INC.,

23 Defendant.
 24

Case No. C 13-05996 PJH (SK)

**DECLARATION OF MELISSA GARDNER
 IN SUPPORT OF PLAINTIFFS'
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL RE MOTIONS TO
 COMPEL DISCOVERY**

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,
3 and a member of the State Bar of California. I am admitted to practice before this Court. I am
4 one of counsel for Plaintiffs in this action. I make this declaration based upon my own personal
5 knowledge. If called upon to testify, I could and would testify competently to the truth of the
6 matters stated herein. I submit this Declaration in Support of Plaintiffs' Administrative Motion to
7 File Under Seal re Motions to Compel Discovery.

8 2. Attached hereto as **Exhibit A** is a true and correct copy of the unredacted version
9 of Plaintiffs' Motion to Compel Production of Source Code. Highlighted text in Exhibit A is text
10 that Plaintiffs have redacted on the grounds that it contains information that Defendant (the
11 designating party) has designated "HIGHLY CONFIDENTIAL" or "HIGHLY CONFIDENTIAL
12 – ATTORNEYS' EYES ONLY." Attached hereto as **Exhibit B** is a true and correct copy of
13 Exhibit A with the proposed redactions applied.

14 3. Attached hereto as **Exhibit C** is a true and correct copy of the unredacted version
15 of Plaintiffs' Motion to Compel Production of Configuration Tables. Highlighted text in Exhibit
16 C is text that Plaintiffs propose to redact on the grounds that it contains information that
17 Defendant (the designating party) has designated "HIGHLY CONFIDENTIAL" or "HIGHLY
18 CONFIDENTIAL – ATTORNEYS' EYES ONLY." Attached hereto as **Exhibit D** is a true and
19 correct copy of Exhibit C with the proposed redactions applied.

20 4. Attached hereto as **Exhibit E** is a true and correct copy of the unredacted version
21 of Plaintiffs' Motion to Compel Production of Documents. Highlighted text in Exhibit E is text
22 that Plaintiffs propose to redact on the grounds that it contains information that Defendant (the
23 designating party) has designated "HIGHLY CONFIDENTIAL" or "HIGHLY CONFIDENTIAL
24 – ATTORNEYS' EYES ONLY." Attached hereto as **Exhibit F** is a true and correct copy of
25 Exhibit E with the proposed redactions applied.

26 5. Attached hereto as **Exhibit G** is a true and correct copy of the unredacted version
27 of the August 1, 2016 Declaration of Dr. Jennifer Golbeck in support of Plaintiffs' Motion to
28 Compel Production of Configuration Tables. Highlighted text in Exhibit G is text that Plaintiffs

1 propose to redact on the grounds that it contains information that Defendant (the designating
2 party) has designated “HIGHLY CONFIDENTIAL” or “HIGHLY CONFIDENTIAL –
3 ATTORNEYS’ EYES ONLY.” Attached hereto as **Exhibit H** is a true and correct copy of
4 Exhibit G with the proposed redactions applied.

5 6. Attached hereto as **Exhibit I** is a true and correct copy of the unredacted version of
6 Exhibit 1 to the Rudolph Declaration, correspondence dated June 10, 2016 – June 28, 2016
7 between counsel for the parties. Highlighted text in Exhibit I is text that Plaintiffs propose to
8 redact on the grounds that it contains information that Defendant (the designating party) has
9 designated “HIGHLY CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’
10 EYES ONLY.” Attached hereto as **Exhibit J** is a true and correct copy of Exhibit I with the
11 proposed redactions applied.

12 7. Attached hereto as **Exhibit K** is a true and correct copy of the unredacted version
13 of Exhibit 11 to the Rudolph Declaration, correspondence dated May 13, 2015 from counsel for
14 Defendant. Highlighted text in Exhibit K is text that Plaintiffs propose to redact on the grounds
15 that it contains information that Defendant (the designating party) has designated “HIGHLY
16 CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Attached
17 hereto as **Exhibit L** is a true and correct copy of Exhibit K with the proposed redactions applied.

18 8. Attached hereto as **M, N, O, and P** are true and correct copies of Exhibits 5, 7, 8,
19 and 9, respectively, to the Declaration of David T. Rudolph in support of Plaintiffs’ Motions to
20 Compel Discovery (“Rudolph Declaration”). Plaintiffs seek an order to seal these documents
21 their entirety on the grounds that Defendant (the designating party) has designated the documents
22 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

23 9. Attached hereto as **Exhibit Q** is a true and correct copy of Exhibit 10 to the
24 Rudolph Declaration. Plaintiffs seek an order to seal this document in its entirety on the grounds
25 that Defendant (the designating party) has designated the document “HIGHLY CONFIDENTIAL
26 – ATTORNEYS’ EYES ONLY. CONTAINS SOURCE CODE.”

27 10. Attached hereto as **Exhibit R** is a true and correct copy of Exhibit 12 to the
28 Rudolph Declaration. Plaintiffs seek an order to seal this document in its entirety on the grounds

1 that Defendant (the designating party) has designated the document “HIGHLY
2 CONFIDENTIAL.”

3 11. Plaintiffs take no position on whether the text and exhibits designated herein
4 satisfy the requirements for sealing. Plaintiffs specifically reserve the right to challenge any
5 “HIGHLY CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY”
6 designation under the Stipulated Protective Order as well as the sealability of these documents
7 under Civil Local Rule 79-5.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct.

10 Executed this 2nd day of August, 2016, in San Francisco, California.

11 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

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13 By: /s/Melissa Gardner
14 Melissa Gardner

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