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18 *Attorneys for Plaintiffs and the Class*

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

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

23 Plaintiffs,

24 v.

25 FACEBOOK, INC.,

26 Defendant.

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

**JOINT DECLARATION OF MICHAEL
SOBOL AND HANK BATES IN SUPPORT
OF PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: August 9, 2017

Time: 9:00 a.m.

Judge: Hon. Phyllis J. Hamilton

Place: Courtroom 3, 3rd Floor

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1 We, Michael Sobol and Hank Bates, declare as follows:

2 1. Michael Sobol is a member in good standing of the California State Bar and a
3 partner in the law firm Lief, Cabraser, Heimann & Bernstein, LLP (“LCHB”), counsel for
4 Plaintiffs and the Class in this proceeding. He is the LCHB attorney principally responsible for
5 overseeing LCHB’s work in this proceeding.

6 2. Hank Bates is a member in good standing of the California and Arkansas State
7 Bars and a partner in the law firm Carney Bates & Pulliam PLLC (“CBP”), counsel for Plaintiffs
8 and the Class in this proceeding. He is the CBP attorney principally responsible for overseeing
9 CBP’s work in this proceeding.

10 3. We submit this declaration jointly in support of Plaintiffs’ Motion for Final
11 Approval of Class Action Settlement.

12 4. Except as otherwise noted, we have personal knowledge of the facts set forth
13 herein, and if called to testify thereto, could and would do so competently, including with respect
14 to the information provided regarding our respective law firms.

15 5. Consistent with the Court’s Order Granting Preliminary Approval of Class Action
16 Settlement as Modified (Dkt. No 235), notice of the settlement in this Action was posted on Class
17 Counsels’ websites¹ on May 3, 2017.

18 6. This notice included the Court’s Order, the Settlement Agreement, and Plaintiffs’
19 Motion for Preliminary Approval of Class Action Settlement.

20 7. Attached hereto as **Exhibit 1** are screen shots of the portions of CBP’s website
21 related to notice of the settlement in this Action. These changes were implemented on May 3,
22 2017 and have remained in place, to date.

23 8. Attached hereto as **Exhibit 2** are screen shots of the portions of LCHB’s website
24 related to notice of the settlement in this Action. These changes were implemented on May 3,
25 2017 and have remained in place, to date.

26 9. In further compliance with the Court’s Order, Class Counsel will post, on their
27 websites, the following documents, as soon as such documents are filed: Plaintiffs’ Motion for

28 ¹ Respectively, www.cbplaw.com and www.lieffcabraser.com

1 Attorneys' Fees and Incentive Awards, and any opposition or reply papers related to any motion
2 identified in ¶ 7.d of the Court's Order.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this
26th day of May, 2017 in San Francisco, California.

/s/ Michael W. Sobol
Michael W. Sobol

I declare under penalty of perjury that the foregoing is true and correct. Executed this
26th day of May, 2017 in Little Rock, Arkansas.

/s/ Hank Bates
Hank Bates

EXHIBIT 1

ABOUT US

Carney Bates & Pulliam is a law firm based in Little Rock, Arkansas that specializes in class action litigation. From consumer protection to environmental hazards to civil rights to data privacy, we achieve the maximum impact for the greatest number of people.

[Read More](#)

PRACTICE AREAS

Our attorneys have a wide array of litigation experience and specialized legal knowledge. The diverse interests and backgrounds within the firm enable us to help clients across a vast spectrum. Our ability to analyze legal and societal trends means that our practice areas keep growing and evolving, changing to fit the needs of our clients.

[Read More](#)

FACEBOOK SETTLEMENT

A California district court has granted preliminary approval to a class action settlement against Facebook, Inc., brought by Carney Bates & Pulliam and Loeff Cabeser Hermann & Bernstein.

[Read More](#)

CONTACT US TO LEARN MORE

If you think you have a case, we want to hear from you. Please contact our office for a free consultation.

PHONE & FAX

TOLL FREE: (888) 551-9944
PHONE: 501-312-8500
info@cbplaw.com

ADDRESS

Carney Bates & Pulliam, PLLC
529 W. 7th St.
Little Rock, Arkansas 72201





On April 26, 2017, the Honorable Phyllis J. Hamilton of the United States District Court for the Northern District of California granted preliminary settlement approval to a class action, filed December 31, 2013, alleging that Facebook intercepted the content of Facebook messages, without consent, in violation of the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510, et seq. and Cal. Penal Code §§ 630, et seq. The settlement class includes all natural-person Facebook users located within the United States and its territories who have sent, or received from a Facebook user, private messages that included URLs in their content (and from which Facebook generated a URL attachment), from December 30, 2011 to March 1, 2017. As part of the injunctive-relief only settlement, Facebook has confirmed that the challenged conduct has ceased—namely, Facebook confirms that it no longer utilizes data from URLs within private messages to (1) generate recommendations to its users; (2) share user data with third parties or (3) increase “like” counter numbers on third party websites. In addition, during the course of this litigation, Facebook made changes to its operative disclosures to its users, stating that it collects the “content and other information” that people provide when they “message or communicate with others,”—thereby further explaining the ways in which Facebook may use that content. Facebook has also agreed to display additional educational language on its United States website for Help Center materials concerning its processing of URLs shared within messages.

On August 9, 2017, at 9 a.m., at the United States District Court for the Northern District of California, Oakland Courthouse, Courtroom 3 – 3rd Floor, 1301 Clay Street, Oakland, California 94612, before the Honorable Phyllis L. Hamilton, the Court will hold a hearing to determine whether final approval of this class action settlement is appropriate. If approved, class members will release their ability to seek or obtain any other injunctive relief related to the claims asserted in this lawsuit. Class members will not release any claims for monetary relief.

Class Counsel’s motion in support of final approval of the settlement, application for attorneys’ fees, costs and expenses not to exceed \$3.9 million, including a service award of \$5,000 for each of the two Class Representatives will be filed no later than May 26, 2017. Class members may submit comments or objections to the settlement or the requested fees and expenses. Any opposition, comment, or objection must be filed or mailed to the Court as described at paragraphs 9-11 of the Court’s Order granting Preliminary Approval the link below, no later than June 26, 2017.

You may view the settlement agreement and other related documents (including Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, the Court’s Order Granting Preliminary Approval of Class Action Settlement, Plaintiffs’ Motions for Final Approval of Class Action Settlement, Attorneys’ Fees and Incentive Awards, and any opposition or reply papers related to these motions) here:

- [Settlement Agreement](#)
- [Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement](#)
- [Court’s Order Granting Preliminary Approval of Class Action Settlement](#)

Further documents to be posted as they are filed.

Plaintiffs and the Class are represented by Carney Bates & Pulliam, PLLC and Lief, Cabraser, Helmann & Bernstein, LLP.

CONTACT US TO LEARN MORE

If you think you have a case, we want to hear from you. Please contact our office for a free consultation.

PHONE & FAX

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EXHIBIT 2

**Lieff
Cabraser
Heimann
Bernstein**
Attorneys at Law

Attorneys
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"One of the nation's premier plaintiffs' firms."
American Lawyer

"Representing the best qualities of the plaintiffs' bar."
The National Law Journal



Digital Privacy & Data Protection

Facebook Message Scanning Privacy Lawsuit

Issue: Scanning of private messages

Lieff Cabraser represents plaintiffs in litigation against Facebook for allegedly scanning and intercepting users' private email messages on its social network. In December 2013 Facebook users represented by Lieff Cabraser and co-counsel filed a nationwide class action lawsuit alleging that Facebook intercepts certain private data in users' personal and private e-mail messages on the social network and profits by sharing that information with third parties.

May 2, 2017 Update re Case Settlement

On April 26, 2017, a Northern District of California Federal Court granted preliminary settlement approval to a class action, filed December 31, 2013, alleging that Facebook intercepted the content of Facebook messages, without consent. In violation of the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510, et seq, and Cal. Penal Code §§ 630, et seq. The settlement class includes all natural-person Facebook users located within the United States and its territories who have sent, or received from a Facebook user, private messages that included URLs in their content (and from which Facebook generated a URL attachment), from December 30, 2011 to March 1, 2017.

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Class Counsel's motion in support of final approval of the settlement, and application for attorneys' fees, costs and expenses not to exceed \$3.9 million, including a service award of \$5,000 for each of the two Class Representatives, will be filed no later than May 26, 2017. Class members may submit comments or objections to the settlement or the requested fees and expenses. Any opposition, comment, or objection must be filed or mailed to the Court as described at paragraphs 9-11 of the Court's Order granting Preliminary Approval and available at the link below, no later than June 26, 2017.

You may view the settlement agreement and other related documents (including Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, the Court's Order Granting Preliminary Approval of Class Action Settlement, Plaintiffs' Motions for Final Approval of Class Action Settlement, Attorneys' Fees and Incentive Awards, and any opposition or reply papers related to these motions) as these documents become available by clicking on the relevant highlighted text in this paragraph.

Plaintiffs and the Class are represented by Carney Bates & Pulliam, PLLC and Lieff, Cabraser, Heimann & Bernstein, LLP.

Types of Communications Offered on Facebook

Facebook describes the communication options it offers users as, in relevant part, "[d]epending on whom you'd like to share with." The options range from the broadest possible audience (a post which the public may see, including via searches on the internet), to posts viewable by small groups of friends, to Facebook messages shared "privately" with a single individual. Facebook claims the privacy of its messaging function as "unprecedented" in terms of user control and the prevention of unwanted contact.

The Facebook Alleged Privacy Violation Explained

The complaint alleges that when a user composes a private Facebook message and includes a link to a third party website (a "URL"), Facebook does not treat this message as private. Instead, Facebook scans the content of the message, follows the enclosed link, and searches for information to profile the message-sender's web activity. This enables Facebook to mine aspects of user data and profit from that data by sharing it with third parties—namely,

Case Resources

- April 26, 2017
Order Granting Preliminary Approval of Class Action Settlement as Modified
U.S. District Court
- March 1, 2017
Plaintiffs' Motion for Preliminary Approval of Class Action Settlement
U.S. District Court
- December 23, 2014
Order Granting in Part and Denying in Part Motion to Dismiss
U.S. District Court
- July 30, 2014
Plaintiffs' Opposition to Motion to Dismiss
U.S. District Court
- December 30, 2013
Complaint
U.S. District Court

In the News

- February 22, 2016
Facebook Users Push For Class Certification In Message-Scanning Row (subscription)
- December 26, 2014
Judge to Facebook: Scan Users' Private Messages for Targeted Advertising, Prepare for Class-Action Lawsuits

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Almost all of Facebook's revenues come from third party advertisements that are targeted at users based upon their personal data. "The alleged concealed scanning of private user messages serves as a means for Facebook to gather data to be employed in Facebook's marketing efforts," stated attorney Michael W. Sobol, the chair of Lieff Cabraser's consumer protection practice group.

The complaint alleges that Facebook's scanning of the private messages of its users violates the federal Electronic Communications Privacy Act and California privacy and unfair competition laws.

Contact Lieff Cabraser

If you wish to report any alleged privacy violations by Facebook or other internet companies, **please contact us by filling out the form below.** All information you provide will be held confidential and there is no charge or obligation for our review of your complaint.

We agree to protect your name and all confidential information you submit against disclosure, publication or unauthorized use to the full extent under the law. Please describe your complaint.

Please note: Completion of this form cannot contractually obligate plaintiffs' attorneys to represent you. We can only serve as your attorney if you and we both agree, in writing, that we will serve as your counsel.

First Name (required)

Last Name (required)

Email address (required)

Street Address

City

State/Country

Zip

Telephone Day

Telephone Eve

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