

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. C 13-5996 PJH

**[PROPOSED ORDER NO. 1]
CONSOLIDATING RELATED ACTIONS
AND APPOINTING INTERIM COUNSEL**

The Court has read and considered the views and proposals of the parties as set forth in Plaintiffs' Motion to Consolidate Related Actions and Appoint Interim Counsel, and, good cause appearing, the Court ORDERS as follows:

I. Consolidation of Related Actions

1. This order shall govern the following actions: *Campbell et al. v. Facebook, Inc.*, No. 13-CV-05996 (N.D. Cal.), the related case *Shadpour v. Facebook, Inc.*, No. 14-CV-00307 (N.D. Cal.), and any related actions subsequently filed in this Court, or otherwise transferred or removed to this Court (collectively, "the Actions"). The Actions are hereby consolidated for all purposes pursuant to Fed. R. Civ. P. 42(a).

1 **II. Organization of Plaintiffs' Counsel**

2 2. Plaintiffs' Executive Committee. The Court appoints an Executive
3 Committee composed of the following Plaintiffs' Counsel for purposes of prosecution, settlement,
4 or mediation of the Actions ("the Litigation"):

5 Loeff Cabraser Heimann & Bernstein, LLP
6 275 Battery Street, 29th Floor
7 San Francisco, CA 94111-3339
8 Telephone: 415.956.1000

9 Carney Bates & Pulliam, PLLC
10 11311 Arcade Drive
11 Little Rock, AR 72212
12 Telephone: 501.312.8500

13 Pomerantz, LLP
14 600 Third Avenue, 20th Floor
15 New York, New York 10016
16 Telephone: 212.661.1100

17 3. Co-Lead Counsel. The Court appoints Loeff, Cabraser, Heimann &
18 Bernstein, LLP, and Carney, Bates, & Pulliam, PLLC, together, to serve as Co-Lead Counsel.

19 4. Plaintiffs' Liaison Counsel. The Court appoints Loeff, Cabraser, Heimann
20 & Bernstein, LLP to serve as Plaintiffs' Liaison Counsel.

21 5. Duties of Plaintiffs' Executive Committee. Plaintiffs' Executive
22 Committee shall:

- 23 (a) Consult on all major strategic decisions in the Litigation;
24 (b) Fund the necessary and appropriate costs of discovery and other
25 common benefit efforts;
26 (c) Maintain adequate time and disbursement records covering services
27 as designated counsel; and
28 (d) Encourage full cooperation and efficiency among all Plaintiffs'
counsel.

6. Duties of Co-Lead Counsel. Co-Lead Counsel shall:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (a) Serve as the sole spokespersons on behalf of the Plaintiffs and the class at all court appearances or mediation sessions in the Litigation;
- (b) Serve as the sole contact persons between Plaintiffs' counsel and Defendant's counsel regarding the prosecution, mediation, or settlement of the Litigation.
- (c) Serve as the sole spokespersons for Plaintiffs' counsel appearing in any subsequently filed cases which are related, coordinated, or consolidated with the Litigation;
- (d) Schedule and lead meetings of Plaintiffs' Executive Committee or of other Plaintiffs' counsel;
- (e) Enter into stipulations with opposing counsel, as necessary, for the conduct of the Litigation.
- (f) Coordinate and assign all work among Plaintiffs' counsel, including responsibilities for:
 - i. briefing and argument of motions;
 - ii. the initiating and obtaining discovery propounded by Plaintiffs;
 - iii. responding to discovery propounded to Plaintiffs;
 - iv. briefing and conducting mediation or settlement;
 - v. pretrial preparation;
 - vi. trial;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

vii. post-trial proceedings; and

viii. prosecuting or defending any appeal.

7. Duties of Plaintiffs' Liaison Counsel. Plaintiffs' Liaison Counsel shall have exclusive responsibility for filing all motions or any other pleading with the Court. In addition, Plaintiffs' Liaison Counsel shall:

- (a) Maintain an up-to-date, comprehensive Service List of Plaintiffs in the litigation and promptly advise the Court and Defendant's counsel of changes to Plaintiffs' Service List;
- (b) Receive and distribute to Plaintiffs' counsel, as appropriate, Orders, notices, and correspondence from the Court, to the extent such documents are not electronically filed;
- (c) Receive and distribute to Plaintiffs' counsel, as appropriate, discovery pleadings and correspondence and other documents from Defendant's counsel that are not electronically filed;
- (d) Maintain a file-endorsed copy of this Order No. 1, and serve the same on the parties and/or their attorneys in any actions later instituted in, removed to, or transferred to, these proceedings; and
- (e) Communicate with the Court, on behalf of the Plaintiffs' Executive Committee, concerning scheduling and other administrative matters.

8. Interim Class Counsel. Lief Cabraser Heimann & Bernstein, LLP, Carney Bates & Pulliam, PLLC, and Pomerantz LLP, together, shall serve as Interim Class Counsel pursuant to Fed. R. Civ. P. 23(g)(2)(A) until further order of the Court.

IT IS SO ORDERED.

Dated: 4/15/14

By: _____

Phyllis J. Hamilton JUDGE
UNITED STATES DISTRICT COURT

