

FILED

JUN 23 2017

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS (213113)  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)  
shawnw@rgrdlaw.com

- and -  
PAUL J. GELLER  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)  
pgeller@rgrdlaw.com

LABATON SUCHAROW LLP  
JOEL H. BERNSTEIN  
140 Broadway  
New York, NY 10005  
Telephone: 212/907-0700  
212/818-0477 (fax)  
jbernstein@labaton.com

CAREY RODRIGUEZ MILIAN GOYA, LLP  
DAVID P. MILIAN  
1395 Brickell Avenue, Suite 700  
Miami, FL 33131  
Telephone: 305/371-7474  
305/372-7475 (fax)  
dmilian@careyrodriguez.com

EDELSON PC  
JAY EDELSON  
350 North LaSalle Street, Suite 1300  
Chicago, IL 60654  
Telephone: 312/589-6370  
312/589-6378 (fax)  
jedelson@edelson.com

Attorneys for Plaintiffs

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CAMPBELL, et al.,	)	Case No. 4:13-cv-05996-PJH
	)	
Plaintiffs,	)	<u>CLASS ACTION</u>
	)	
vs.	)	STATEMENT OF INTENTION NOT TO
	)	OBJECT TO CLASS ACTION
FACEBOOK, INC.,	)	SETTLEMENT
	)	
Defendant.	)	

1 **STATEMENT OF INTENTION NOT TO OBJECT TO CLASS ACTION SETTLEMENT**

2 The undersigned counsel represent plaintiffs in a number of pending cases against Facebook,  
3 Inc. (“Facebook”) – *see, e.g., In re Facebook Biometric Info. Privacy Litig.*, 3:15-cv-3747-JD (N.D.  
4 Cal.); *Gullen v. Facebook, Inc.*, No. 3:16-cv-0937-JD (N.D. Cal.); *Holt v. Facebook, Inc.*, No. 3:16-  
5 cv-2266-JST (N.D. Cal.) (collectively, “Facebook Plaintiffs”) – who may also be members of the  
6 Settlement Class, certified by the Court (Dkt. Nos. 192, 235 at ¶4), in the above-captioned case,  
7 *Campbell, et al. v. Facebook, Inc.*, No. 4:13-cv-5996-PJH-SK (N.D. Cal.) (the “Action”). After  
8 reviewing the proposed settlement agreement (the “Settlement”) in the Action, we reached out to the  
9 parties in the Action because we had concerns about the breadth of the Settlement’s release provision  
10 (*see, e.g.,* Dkt. 227-3 at ¶49), and whether that provision could be interpreted to encompass the  
11 Facebook Plaintiffs’ claims in their ongoing litigation and investigations. Facebook’s counsel in the  
12 Action confirmed that because the Facebook Plaintiffs’ claims do not “concern[] the practices at  
13 issue in [the Action],” they do not interpret the Settlement’s release to “extend to the claims at issue  
14 in the unrelated cases.” *See* Exhibit 1. In other words, their position is that the release in this case  
15 “plainly does not apply to the claims in [Facebook Plaintiffs’] lawsuits.” *Id.*

16 Based on Facebook’s confirmation that Facebook Plaintiffs’ claims are not subject to or  
17 impacted by the Settlement’s release, Facebook Plaintiffs do not intend to object to the Settlement.  
18 Indeed, they express no position with respect to the Settlement or its terms.

19 DATED: June 23, 2017

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS  
AMANDA M. FRAME  
DAVID W. HALL



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SHAWN A. WILLIAMS

Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)

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ROBBINS GELLER RUDMAN  
& DOWD LLP  
PAUL J. GELLER  
STUART A. DAVIDSON  
MARK DEARMAN  
CHRISTOPHER C. GOLD  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)

ROBBINS GELLER RUDMAN  
& DOWD LLP  
TRAVIS E. DOWNS III  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)

LABATON SUCHAROW LLP  
JOEL H. BERNSTEIN  
CORBAN S. RHODES  
140 Broadway  
New York, NY 10005  
Telephone: 212/907-0700  
212/818-0477 (fax)

CAREY RODRIGUEZ MILIAN GOYA, LLP  
DAVID P. MILIAN  
1395 Brickell Avenue, Suite 700  
Miami, FL 33131  
Telephone: 305/371-7474  
305/372-7475 (fax)

EDELSON PC  
JAY EDELSON  
350 North LaSalle Street, Suite 1300  
Chicago, IL 60654  
Telephone: 312/589-6370  
312/589-6378 (fax)

Attorneys for Plaintiffs

# EXHIBIT 1

April 10, 2017

VIA ELECTRONIC MAIL

Rafey S. Balabanian  
Edelson PC  
350 North LaSalle Street, 13th floor  
Chicago, IL 60654

Re: Campbell v. Facebook

Dear Rafey:

We are in receipt of your letter of April 4, 2017, regarding the release contained in paragraph 49 of the Settlement Agreement in *Campbell v. Facebook, Inc.*, Case No. 13-cv-05996 PJH-SK (N.D. Cal.). We can confirm that the release does not encompass the separate lawsuits cited in your letter.

By its express terms, the release does not extend to the claims at issue in the unrelated cases cited in your letter (*In re Facebook Biometric Privacy Litigation*, *Gullen*, or *Holt*), which—as we understand it—make no allegations at all concerning the practices at issue in *Campbell*. As paragraph 1 of the Settlement Agreement makes clear, the *Campbell* complaint alleged that “Facebook ‘read[] its users’ personal, private Facebook messages without their consent’” in purported violation of federal and state wiretapping law, and the Settlement Class (whose members’ non-monetary claims are being released in paragraph 49) is limited to Facebook users “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).” (Dkt. 227-3 ¶¶ 1, 36.) As your letter acknowledges, the release in *Campbell* extends to claims “**that result from, arise out of, are based on, or relate in any way to the practices and claims that were alleged in, or could have been alleged in, the Action . . .**” (*Id.* ¶ 49; emphasis added.) Thus, it plainly does not apply to the claims in your lawsuits.

Sincerely,



Christopher Chorba

CC/jkf

# GIBSON DUNN

Rafey S. Balabanian  
April 10, 2017  
Page 2

cc: Michael W. Sobol  
Shawn Williams  
Joel Bernstein  
David Milian  
Jay Edelson  
Paul J. Geller  
Benjamin Richman  
Corban S. Rhodes  
David Hall

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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interested party in the within action; that declarant’s business address is Post Montgomery Center, One Montgomery Street, Suite 1800, San Francisco, California 94104.

2. That on June 23, 2017, declarant served the STATEMENT OF INTENTION NOT TO OBJECT TO CLASS ACTION SETTLEMENT by depositing a true copy thereof in a United States mailbox at San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed below:

Michael W. Sobol  
David T. Rudolph  
Melissa Gardner  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339

Rachel Geman  
Nicholas Diamand  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
250 Hudson Street, 8th Floor  
New York, NY 10013-1413

Hank Bates  
Allen Carney  
David Slade  
CARNEY BATES & PULLIAM, PLLC  
519 West 7th Street  
Little Rock, AR 72201

Attorneys for Plaintiffs and the Class  
*Campbell, et al v. Facebook, Inc.*, Case No. 4:13-cv-05996-PJH-SK (N.D. Cal.)

Joshua A. Jessen  
Jeana Bisnar Maute  
Ashley M. Rogers  
GIBSON, DUNN & CRUTCHER LLP  
1881 Page Mill Road  
Palo Alto, CA 94304

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Christopher Chorba  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
Los Angeles, CA 90071

Attorneys for Defendant Facebook, Inc.  
*Campbell, et al v. Facebook, Inc.*, Case No. 4:13-cv-05996--PJH-SK (N.D. Cal.)

John Nadolenco  
Rebecca B. Johns  
MAYER BROWN LLP  
350 South Grand Avenue, 25th Floor  
Los Angeles, CA 90071-1503

Matthew D. Provance  
Vincent J. Connelly  
MAYER BROWN LLP  
71 South Wacker Dr.  
Chicago, IL 60606

Lauren R. Goldman  
MAYER BROWN LLP  
1221 Avenue of the Americas  
New York, NY 10020

Archis Ashok Parasharami  
MAYER BROWN LLP  
1999 K Street NW  
Washington, DC 20006

Attorneys for Defendant Facebook, Inc.  
*In re Facebook Biometric Info. Privacy Litig.*, 3:15-cv-3747-JD (N.D. Cal.)  
*Gullen v. Facebook, Inc.*, No. 3:16-cv-0937-JD (N.D. Cal.)

Jay Edelson  
Alexander G. Tievsky  
Alexander Nguyen  
EDELSON PC  
350 North LaSalle Street, 13th Floor  
Chicago, IL 60654

Rafey S. Balabanian  
EDELSON PC  
123 Townsend Street, Suite 100  
San Francisco, CA 94107

Shawn A. Williams  
David W. Hall  
Amanda M. Frame  
ROBBINS GELLER RUDMAN & DOWD LLP  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104



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Paul J. Geller  
Stuart A. Davidson  
Mark Dearman  
Christopher C. Martins  
ROBBINS GELLER RUDMAN & DOWD LLP  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432

Frank A. Richter  
James E. Barz  
ROBBINS GELLER RUDMAN & DOWD LLP  
200 S. Wacker, 31st Floor  
Chicago, IL 60606

Travis E. Downs III  
ROBBINS GELLER RUDMAN & DOWD LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101

Joel H. Bernstein  
Corban S. Rhodes  
Ross M. Kamhi  
LABATON SUCHAROW LLP  
140 Broadway  
New York, NY 10005

J. Dominick Larry  
BENESCH, FRIEDLANDER, COPLAN  
& ARONOFF LLP  
333 W. Wacker Dr., Suite 1900  
Chicago, IL 60606

Attorneys for Plaintiffs and the Putative Class  
*In re Facebook Biometric Info. Privacy Litig.*, 3:15-cv-3747-JD (N.D. Cal.)

David P. Milian  
Frank S. Hedin  
CAREY RODRIGUEZ MILIAN GONYA, LLP  
1395 Brickell Avenue, Suite 700  
Miami, FL 33131

Francis A. Bottini, Jr.  
Albert Y. Chang  
BOTTINI AND BOTTINI, INC.  
7817 Ivanhoe Ave., Suite 102  
La Jolla, CA 92037

Attorneys for Plaintiff  
*Gullen v. Facebook, Inc.*, No. 3:16-cv-0937-JD (N.D. Cal.)

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Chad A. Readler  
Eric R. Womack  
Aimee Woodward Brown  
Anjali Motgi  
UNITED STATES DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, DC 20530

Attorneys for the United States of America  
*Holt v. Facebook, Inc.*, No. 3:16-cv-2266-JST (N.D. Cal.)

Andrew B. Clubok  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022

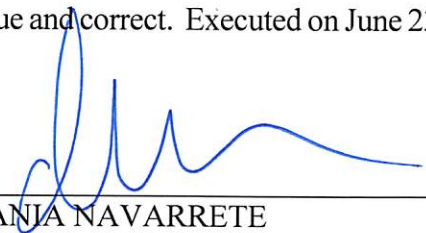
Susan E. Engel  
Devin S. Anderson  
KIRKLAND & ELLIS LLP  
655 Fifteenth Street, NW  
Washington, DC 20005

Elizabeth L. Deeley  
KIRKLAND & ELLIS LLP  
555 California Street  
San Francisco, CA 94104

Attorneys for Defendant Facebook, Inc.  
*Holt v. Facebook, Inc.*, No. 3:16-cv-2266-JST (N.D. Cal.)

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 23, 2017, at San Francisco, California.

  
\_\_\_\_\_  
IVANIA NAVARRETE