

Exhibit A

1 GIBSON, DUNN & CRUTCHER LLP
JOSHUA A. JESSEN, SBN 222831
2 JJessen@gibsondunn.com
JEANA BISNAR MAUTE, SBN 290573
3 JBisnarMaute@gibsondunn.com
ASHLEY M. ROGERS, SBN 286252
4 ARogers@gibsondunn.com
1881 Page Mill Road
5 Palo Alto, California 94304
Telephone: (650) 849-5300
6 Facsimile: (650) 849-5333

7 GIBSON, DUNN & CRUTCHER LLP
GAIL E. LEES, SBN 90363
8 GLees@gibsondunn.com
CHRISTOPHER CHORBA, SBN 216692
9 CChorba@gibsondunn.com
333 South Grand Avenue
10 Los Angeles, California 90071
Telephone: (213) 229-7000
11 Facsimile: (213) 229-7520

12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW CAMPBELL, MICHAEL
17 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH

CONSOLIDATED CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S FIRST
SET OF INTERROGATORIES TO
PLAINTIFF MATTHEW CAMPBELL**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MATTHEW CAMPBELL

25 SET NO. ONE (1)
26
27
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1 Pursuant to Federal Rules of Civil Procedure 26 and 33 (the “Federal Rules”), Defendant
2 Facebook, Inc., by and through its undersigned counsel, hereby propounds the following first set of
3 interrogatories (“Interrogatories”) on Plaintiff Matthew Campbell to be answered separately and
4 under oath, within thirty (30) days after service hereof. For purposes of these Interrogatories, the
5 following definitions and instructions shall apply:

6 **DEFINITIONS**

7 1. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
8 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH, now pending in the United States
9 District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
10 Hamilton.

11 2. “YOU,” “YOUR,” and/or “YOURSELF” refers to Matthew Campbell, a Plaintiff in
12 the ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall
13 include those in YOUR possession, custody, or control, as well as all DOCUMENTS in the
14 possession, custody or control of YOUR past and present attorneys, agents, employees, accountants,
15 spouses, financial or tax advisors, or any other persons and/or entities purporting to act on YOUR
16 behalf.

17 3. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
18 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

19 4. “COMMUNICATION” and “COMMUNICATIONS” include, without limitation, any
20 transmission or transfer of information of any kind, whether orally, electronically, in writing, or in
21 any other manner, at any time or place, and under any circumstances whatsoever.

22 5. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
23 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
24 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
25 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;
26 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
27 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
28 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing

1 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,
2 however produced or reproduced; and any paper or writing of whatever description, including any
3 computer database or information contained in any computer although not yet printed out.

4 “DOCUMENT” and “DOCUMENTS” specifically include all e-mail accounts of YOU and YOUR
5 representatives and/or agents. A draft or nonidentical copy is a separate document within the
6 meaning of this term.

7 6. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
8 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
9 application.

10 7. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
11 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
12 by sending or receiving a message.

13 8. “SOCIAL NETWORKING WEBSITES” refers to all websites that provide users with
14 a platform to build social networks or social relations with users of the same website.

15 9. “EMAIL SERVICES” refers to all online services YOU use to send, receive, and/or
16 store electronic mail.

17 10. “PERSON” or “PERSONS” means an individual, or any public or private organization
18 or entity, including an agency, commission, committee, partnership, joint venture, corporation,
19 association, trust, estate, political subdivision, department, office, or board or any similar entity.

20 11. If YOU are asked to “IDENTIFY” information in response to an Interrogatory, YOUR
21 response should be complete and include:

22 a. in the case of an individual, the identification should include the full name
23 (including any maiden name, prior name, “nickname,” or variation in spelling) and present or last
24 known home or business address;

25 b. in the case of an organization or entity, the identification should include the
26 full name of the organization or entity and the present or last known address(es) of its place(s) of
27 business;

1 c. in the case of DOCUMENTS, the identification should include a complete
2 description setting forth the title (if any), date, author, recipient, general subject matter, present
3 location(s), and present custodian(s);

4 d. in the case of a transaction, occurrence, or instance of any behavior, the
5 identification should include the date, persons involved, place of occurrence, and a complete
6 description of all DOCUMENTS related thereto; and

7 e. in the case of a fact (or all facts), the identification should include YOUR basis
8 for asserting that fact, all persons who have discoverable knowledge concerning that fact, and all
9 DOCUMENTS relating to that fact, regardless of whether they support or contradict the fact.

10 INSTRUCTIONS

11 1. The numbered headings in the Interrogatories below are for convenience only and are
12 not intended or to be read as limiting the scope or meaning of any request for response thereunder.

13 2. YOU are to answer each Interrogatory separately and as completely as possible.

14 3. In answering these Interrogatories, furnish all information that is available to YOU,
15 including information in the possession of anyone acting on YOUR behalf, and not merely such
16 information known of YOUR own personal knowledge. If YOU cannot answer the Interrogatories in
17 full after exercising due diligence to secure the information to do so, YOU must answer to the extent
18 possible and explain why YOUR answer is not complete.

19 4. These Interrogatories should be construed as broadly as possible with all doubts
20 resolved in favor of production. The words "all," "any," "each," "and," and "or" shall be construed
21 conjunctively or disjunctively as necessary to make the Interrogatories inclusive rather than
22 exclusive. Except as specifically provided in these Interrogatories, words imparting the singular shall
23 include the plural and vice versa, where appropriate. Except as specifically provided in these
24 Interrogatories, words imparting the present tense shall also include the past and future tenses and
25 vice versa, where appropriate.

26 5. If any response requested by any Interrogatory is withheld under a claim of privilege,
27 YOU must set forth the information necessary for FACEBOOK to ascertain whether the privilege
28 properly applies, including, but not limited to, describing the matter withheld, stating the privilege

1 being relied upon, and identifying all PERSONS (by name, title, address, company (if applicable),
2 and relationship to YOU) who have or have had access to said matter (including but not limited to all
3 the identity(ies) of the author(s) or maker(s), recipient(s), and carbon copy recipient(s)), the
4 applicable date(s), and the subject matter(s) in a privilege log.

5 6. If any portion of any response to these Interrogatories is withheld under a claim of
6 privilege, any non-privileged portion of such response must be produced.

7 7. If the answer to any Interrogatory is that YOU lack knowledge of some or all of the
8 requested information, describe all efforts made by YOU to obtain the information necessary to
9 answer the Interrogatory.

10 8. The fact that YOUR investigation is continuing or that discovery is not complete does
11 not excuse YOU from answering each Interrogatory based on the knowledge YOU currently have.
12 However, if YOUR investigation is continuing or discovery is not complete with respect to the matter
13 inquired into, please state as much in YOUR answer.

14 9. Whenever an Interrogatory may be answered by referring to a DOCUMENT, the
15 DOCUMENT should be attached as an exhibit to the response and referred to in YOUR response. If
16 the DOCUMENT has more than one page, please refer to the page and section where the answer to
17 the Interrogatory can be found.

18 10. YOUR response to each Interrogatory shall identify each individual who supplied
19 information for, or participated or assisted in, the preparation of YOUR response.

20 11. If YOU object to a portion of any Interrogatory, then YOU should answer any portion
21 of the Interrogatory to which YOU have no objection.

22 12. If YOU conclude that any Interrogatory, Definition, or Instruction is ambiguous, then
23 state in YOUR answer the matter deemed ambiguous and the construction YOU employed in
24 answering the Interrogatory.

25 13. Interrogatories calling for numerical or chronological information shall be deemed, to
26 the extent that precise figures or dates are not known, to call for estimates. In each instance that an
27 estimate is given, it should be identified as such together with the source of information underlying
28 the estimate.

1 account username, or if the PERSON was not a FACEBOOK user, the PERSON's mobile telephone
2 number and/or email address from which a message was received or to which a message was sent.

3 **INTERROGATORY NO. 4**

4 IDENTIFY all facts regarding all EMAIL SERVICES and SOCIAL NETWORKING
5 WEBSITES, including but not limited to applications offered within those SOCIAL NETWORKING
6 WEBSITES, that YOU have used, including, for each, YOUR e-mail address and/or username and
7 the duration (time period) of YOUR use.

8 **INTERROGATORY NO. 5**

9 IDENTIFY all facts regarding how and when YOU first became aware of FACEBOOK's
10 alleged conduct referenced in YOUR COMPLAINT.

11 **INTERROGATORY NO. 6**

12 IDENTIFY all facts that support YOUR claim that YOU, other Plaintiffs in this ACTION,
13 and/or putative class members suffered harm and/or damage as a result of YOUR use of the
14 FACEBOOK MESSAGES PRODUCT, including but not limited to IDENTIFYING all facts
15 describing how YOU, Plaintiffs, and/or putative class members were harmed.

16 **INTERROGATORY NO. 7**

17 Separately for YOURSELF and the putative class, IDENTIFY all facts regarding the damages
18 and/or all other monetary relief that YOU and the putative class claim in this ACTION.

19 **INTERROGATORY NO. 8**

20 IDENTIFY all facts regarding all putative class action proceedings in which YOU have been
21 involved, including but not limited to YOUR role in the proceeding (plaintiff, defendant, witness),
22 the claims and defenses raised in each proceeding, the court or other tribunal in which the proceeding
23 occurred, the judicial officer or arbitrator(s) who presided over the proceeding, the case number, the
24 parties to the proceeding, a summary of the testimony and/or DOCUMENTS YOU provided (if any),
25 an identification of YOUR counsel for each proceeding, and the disposition and relief awarded.

26 **INTERROGATORY NO. 9**

27 IDENTIFY all facts regarding the exact practices by FACEBOOK that YOU contend violate
28 California and/or federal law.

1 **INTERROGATORY NO. 10**

2 Do YOU contend that the scanning of FACEBOOK messages for any purpose violates federal
3 law and/or California law?

4 **INTERROGATORY NO. 11**

5 If YOUR response to Interrogatory No. 10 is anything other than an unqualified “no,”
6 IDENTIFY all facts supporting YOUR response.

7 **INTERROGATORY NO. 12**

8 Do YOU contend that the scanning of FACEBOOK messages for the purpose of increasing
9 the “Like” count violates federal law and/or California law?

10 **INTERROGATORY NO. 13**

11 If YOUR response to Interrogatory No. 12 is anything other than an unqualified “no,”
12 IDENTIFY all facts supporting YOUR response.

13 DATED: January 26, 2015

GIBSON, DUNN & CRUTCHER LLP

14 By: _____ /s/
15 Joshua A. Jessen

16 Attorneys for Defendant FACEBOOK, INC.
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1 **PROOF OF SERVICE**

2 I, Jeana Bisnar Maute, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On January 26, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S FIRST SET OF INTERROGATORIES TO**
6 **PLAINTIFF MATTHEW CAMPBELL**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11 Jeremy A. Lieberman
12 Pomerantz Grossman Hufford Dahlstrom & Gross LLP
jalieberman@pomlaw.com

13 Melissa Ann Gardner
14 mgardner@lchb.com
15 Nicholas Diamand
ndiamand@lchb.com
16 Rachel Geman
rgeman@lchb.com
17 Michael W. Sobol
Lieff Cabraser Heimann & Bernstein, LLP
msobol@lchb.com

18 Jon A Tostrud
19 Tostrud Law Group, P.C.
jtostrud@tostrudlaw.com

20 Lionel Z. Glancy
21 Glancy Binkow & Goldberg LLP
info@glancylaw.com

22
23 **BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed
24 to the persons as indicated above, on the above-mentioned date, and placed the envelope for
25 collection and mailing, following our ordinary business practices. I am readily familiar with this
26 firm's practice for collecting and processing correspondence for mailing. On the same day that
27 correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service
in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware
that on motion of party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing set forth in this declaration.

28 I am a resident or employed in the county where the mailing occurred. The envelope or package
was placed in the mail at Palo Alto, California.

- 1 **BY MESSENGER SERVICE:** I placed a true copy in a sealed envelope or package addressed
2 to the persons at the addresses listed above and providing them to a professional messenger
3 service for service for delivery before 5:00 p.m. on the above-mentioned date. *(A declaration by
4 the messenger must accompany this Proof of Service.)*
- 5 **BY FAX TRANSMISSION:** Based on an agreement of the parties to accept service by fax
6 transmission, I faxed the documents to the persons at the fax numbers listed above
7 at _____ [a.m./p.m.] , on January 26, 2015. The telephone number of the sending fax machine
8 is [number] No error was reported by the fax machine that I used. A copy of the record of the fax
9 transmission, which I printed out, is attached. This transmission report was properly issue by the
10 sending fax machine.
- 11 **BY OVERNIGHT DELIVERY:** On the above-mentioned date, I enclosed the documents in an
12 envelope or package provided by an overnight delivery carrier and addressed to the persons at
13 the addresses shown above. I placed the envelope or package for collection and overnight
14 delivery at an office or a regularly utilized drop box of the overnight delivery carrier with
15 delivery fees paid or provided for.
- 16 **BY LEXISNEXIS:** I provided the document(s) listed above electronically to LexisNexis
17 through the LexisNexis File & Serve website pursuant to the order authorizing electronic service
18 and the instructions on that website.
- 19 **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I electronically
20 uploaded a true and correct copy in Adobe “pdf” format the above-listed document(s) to the
21 United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system.
22 After the electronic filing of a document, service is deemed complete upon receipt of the Notice
23 of Electronic Filing (“NEF”) by the registered CM/ECF users.
- 24 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
25 agreement of the parties to accept service by electronic transmission, I caused the documents to
26 be sent to the persons at the electronic notification addresses as shown above.
- 27 **(STATE)** I declare under penalty of perjury under the laws of the State of California that
28 the foregoing is true and correct.
- (FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2015.

_____/s/
Jeana Bisnar Maute

Exhibit B

1 GIBSON, DUNN & CRUTCHER LLP
JOSHUA A. JESSEN, SBN 222831
2 JJessen@gibsondunn.com
JEANA BISNAR MAUTE, SBN 290573
3 JBisnarMaute@gibsondunn.com
ASHLEY M. ROGERS, SBN 286252
4 ARogers@gibsondunn.com
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10 Los Angeles, California 90071
Telephone: (213) 229-7000
11 Facsimile: (213) 229-7520

12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW CAMPBELL, MICHAEL
17 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH

CONSOLIDATED CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S FIRST
SET OF INTERROGATORIES TO
PLAINTIFF MICHAEL HURLEY**

22
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: MICHAEL HURLEY

25 SET NO. ONE (1)
26
27
28

1 Pursuant to Federal Rules of Civil Procedure 26 and 33 (the “Federal Rules”), Defendant
2 Facebook, Inc., by and through its undersigned counsel, hereby propounds the following first set of
3 interrogatories (“Interrogatories”) on Plaintiff Michael Hurley to be answered separately and under
4 oath, within thirty (30) days after service hereof. For purposes of these Interrogatories, the following
5 definitions and instructions shall apply:

6 **DEFINITIONS**

7 1. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
8 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH, now pending in the United States
9 District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
10 Hamilton.

11 2. “YOU,” “YOUR,” and/or “YOURSELF” refers to Michael Hurley, a Plaintiff in the
12 ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall include
13 those in YOUR possession, custody, or control, as well as all DOCUMENTS in the possession,
14 custody or control of YOUR past and present attorneys, agents, employees, accountants, spouses,
15 financial or tax advisors, or any other persons and/or entities purporting to act on YOUR behalf.

16 3. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
17 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

18 4. “COMMUNICATION” and “COMMUNICATIONS” include, without limitation, any
19 transmission or transfer of information of any kind, whether orally, electronically, in writing, or in
20 any other manner, at any time or place, and under any circumstances whatsoever.

21 5. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
22 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
23 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
24 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;
25 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
26 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
27 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing
28 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,

1 however produced or reproduced; and any paper or writing of whatever description, including any
2 computer database or information contained in any computer although not yet printed out.

3 “DOCUMENT” and “DOCUMENTS” specifically include all e-mail accounts of YOU and YOUR
4 representatives and/or agents. A draft or nonidentical copy is a separate document within the
5 meaning of this term.

6 6. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
7 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
8 application.

9 7. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
10 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
11 by sending or receiving a message.

12 8. “SOCIAL NETWORKING WEBSITES” refers to all websites that provide users with
13 a platform to build social networks or social relations with users of the same website.

14 9. “EMAIL SERVICES” refers to all online services YOU use to send, receive, and/or
15 store electronic mail.

16 10. “PERSON” or “PERSONS” means an individual, or any public or private organization
17 or entity, including an agency, commission, committee, partnership, joint venture, corporation,
18 association, trust, estate, political subdivision, department, office, or board or any similar entity.

19 11. If YOU are asked to “IDENTIFY” information in response to an Interrogatory, YOUR
20 response should be complete and include:

21 a. in the case of an individual, the identification should include the full name
22 (including any maiden name, prior name, “nickname,” or variation in spelling) and present or last
23 known home or business address;

24 b. in the case of an organization or entity, the identification should include the
25 full name of the organization or entity and the present or last known address(es) of its place(s) of
26 business;

1 c. in the case of DOCUMENTS, the identification should include a complete
2 description setting forth the title (if any), date, author, recipient, general subject matter, present
3 location(s), and present custodian(s);

4 d. in the case of a transaction, occurrence, or instance of any behavior, the
5 identification should include the date, persons involved, place of occurrence, and a complete
6 description of all DOCUMENTS related thereto; and

7 e. in the case of a fact (or all facts), the identification should include YOUR basis
8 for asserting that fact, all persons who have discoverable knowledge concerning that fact, and all
9 DOCUMENTS relating to that fact, regardless of whether they support or contradict the fact.

10 **INSTRUCTIONS**

11 1. The numbered headings in the Interrogatories below are for convenience only and are
12 not intended or to be read as limiting the scope or meaning of any request for response thereunder.

13 2. YOU are to answer each Interrogatory separately and as completely as possible.

14 3. In answering these Interrogatories, furnish all information that is available to YOU,
15 including information in the possession of anyone acting on YOUR behalf, and not merely such
16 information known of YOUR own personal knowledge. If YOU cannot answer the Interrogatories in
17 full after exercising due diligence to secure the information to do so, YOU must answer to the extent
18 possible and explain why YOUR answer is not complete.

19 4. These Interrogatories should be construed as broadly as possible with all doubts
20 resolved in favor of production. The words "all," "any," "each," "and," and "or" shall be construed
21 conjunctively or disjunctively as necessary to make the Interrogatories inclusive rather than
22 exclusive. Except as specifically provided in these Interrogatories, words imparting the singular shall
23 include the plural and vice versa, where appropriate. Except as specifically provided in these
24 Interrogatories, words imparting the present tense shall also include the past and future tenses and
25 vice versa, where appropriate.

26 5. If any response requested by any Interrogatory is withheld under a claim of privilege,
27 YOU must set forth the information necessary for FACEBOOK to ascertain whether the privilege
28 properly applies, including, but not limited to, describing the matter withheld, stating the privilege

1 being relied upon, and identifying all PERSONS (by name, title, address, company (if applicable),
2 and relationship to YOU) who have or have had access to said matter (including but not limited to all
3 the identity(ies) of the author(s) or maker(s), recipient(s), and carbon copy recipient(s)), the
4 applicable date(s), and the subject matter(s) in a privilege log.

5 6. If any portion of any response to these Interrogatories is withheld under a claim of
6 privilege, any non-privileged portion of such response must be produced.

7 7. If the answer to any Interrogatory is that YOU lack knowledge of some or all of the
8 requested information, describe all efforts made by YOU to obtain the information necessary to
9 answer the Interrogatory.

10 8. The fact that YOUR investigation is continuing or that discovery is not complete does
11 not excuse YOU from answering each Interrogatory based on the knowledge YOU currently have.
12 However, if YOUR investigation is continuing or discovery is not complete with respect to the matter
13 inquired into, please state as much in YOUR answer.

14 9. Whenever an Interrogatory may be answered by referring to a DOCUMENT, the
15 DOCUMENT should be attached as an exhibit to the response and referred to in YOUR response. If
16 the DOCUMENT has more than one page, please refer to the page and section where the answer to
17 the Interrogatory can be found.

18 10. YOUR response to each Interrogatory shall identify each individual who supplied
19 information for, or participated or assisted in, the preparation of YOUR response.

20 11. If YOU object to a portion of any Interrogatory, then YOU should answer any portion
21 of the Interrogatory to which YOU have no objection.

22 12. If YOU conclude that any Interrogatory, Definition, or Instruction is ambiguous, then
23 state in YOUR answer the matter deemed ambiguous and the construction YOU employed in
24 answering the Interrogatory.

25 13. Interrogatories calling for numerical or chronological information shall be deemed, to
26 the extent that precise figures or dates are not known, to call for estimates. In each instance that an
27 estimate is given, it should be identified as such together with the source of information underlying
28 the estimate.

1 account username, or if the PERSON was not a FACEBOOK user, the PERSON's mobile telephone
2 number and/or email address from which a message was received or to which a message was sent.

3 **INTERROGATORY NO. 4**

4 IDENTIFY all facts regarding all EMAIL SERVICES and SOCIAL NETWORKING
5 WEBSITES, including but not limited to applications offered within those SOCIAL NETWORKING
6 WEBSITES, that YOU have used, including, for each, YOUR e-mail address and/or username and
7 the duration (time period) of YOUR use.

8 **INTERROGATORY NO. 5**

9 IDENTIFY all facts regarding how and when YOU first became aware of FACEBOOK's
10 alleged conduct referenced in YOUR COMPLAINT.

11 **INTERROGATORY NO. 6**

12 IDENTIFY all facts that support YOUR claim that YOU, other Plaintiffs in this ACTION,
13 and/or putative class members suffered harm and/or damage as a result of YOUR use of the
14 FACEBOOK MESSAGES PRODUCT, including but not limited to IDENTIFYING all facts
15 describing how YOU, Plaintiffs, and/or putative class members were harmed.

16 **INTERROGATORY NO. 7**

17 Separately for YOURSELF and the putative class, IDENTIFY all facts regarding the damages
18 and/or all other monetary relief that YOU and the putative class claim in this ACTION.

19 **INTERROGATORY NO. 8**

20 IDENTIFY all facts regarding all putative class action proceedings in which YOU have been
21 involved, including but not limited to YOUR role in the proceeding (plaintiff, defendant, witness),
22 the claims and defenses raised in each proceeding, the court or other tribunal in which the proceeding
23 occurred, the judicial officer or arbitrator(s) who presided over the proceeding, the case number, the
24 parties to the proceeding, a summary of the testimony and/or DOCUMENTS YOU provided (if any),
25 an identification of YOUR counsel for each proceeding, and the disposition and relief awarded.

26 **INTERROGATORY NO. 9**

27 Do YOU contend that the scanning of FACEBOOK messages for the purpose of developing
28 user profiles to support and deliver targeted advertising violates federal law and/or California law?

1 **INTERROGATORY NO. 10**

2 If YOUR response to Interrogatory No. 9 is anything other than an unqualified “no,”
3 IDENTIFY all facts supporting YOUR response.

4 **INTERROGATORY NO. 11**

5 IDENTIFY all facts that support YOUR allegation in paragraph 3 of YOUR COMPLAINT
6 that “Facebook primarily generates revenue from targeted advertising and the fundamental means of
7 amassing the user data needed for effective targeted advertising is through Facebook’s ‘Like’
8 function.”

9 **INTERROGATORY NO. 12**

10 IDENTIFY all facts that support YOUR allegation in paragraph 25 of YOUR COMPLAINT
11 that “whenever a private message contains a URL, Facebook uses a software application called a
12 ‘web crawler’ to scan the URL, sending HTTP requests to the server associated with the URL and
13 then seeking various items of information about the web page to which the URL is linked.”

14 DATED: January 26, 2015

GIBSON, DUNN & CRUTCHER LLP

15 By: _____
16 /s/
Joshua A. Jessen

17 Attorneys for Defendant FACEBOOK, INC.
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28

1 **PROOF OF SERVICE**

2 I, Jeana Bisnar Maute, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On January 26, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S FIRST SET OF INTERROGATORIES TO**
6 **PLAINTIFF MICHAEL HURLEY**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11 Jeremy A. Lieberman
12 Pomerantz Grossman Hufford Dahlstrom & Gross LLP
jalieberman@pomlaw.com

13 Melissa Ann Gardner
14 mgardner@lchb.com
15 Nicholas Diamand
ndiamand@lchb.com
16 Rachel Geman
rgeman@lchb.com
17 Michael W. Sobol
Lieff Cabraser Heimann & Bernstein, LLP
msobol@lchb.com

18 Jon A Tostrud
19 Tostrud Law Group, P.C.
jtostrud@tostrudlaw.com

20 Lionel Z. Glancy
21 Glancy Binkow & Goldberg LLP
info@glancylaw.com

22
23 **BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed
24 to the persons as indicated above, on the above-mentioned date, and placed the envelope for
25 collection and mailing, following our ordinary business practices. I am readily familiar with this
26 firm's practice for collecting and processing correspondence for mailing. On the same day that
27 correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service
in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware
that on motion of party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing set forth in this declaration.

28 I am a resident or employed in the county where the mailing occurred. The envelope or package
was placed in the mail at Palo Alto, California.

- 1 **BY MESSENGER SERVICE:** I placed a true copy in a sealed envelope or package addressed
2 to the persons at the addresses listed above and providing them to a professional messenger
3 service for service for delivery before 5:00 p.m. on the above-mentioned date. *(A declaration by
4 the messenger must accompany this Proof of Service.)*
- 5 **BY FAX TRANSMISSION:** Based on an agreement of the parties to accept service by fax
6 transmission, I faxed the documents to the persons at the fax numbers listed above
7 at _____ [a.m./p.m.] , on January 26, 2015. The telephone number of the sending fax machine
8 is [number] No error was reported by the fax machine that I used. A copy of the record of the fax
9 transmission, which I printed out, is attached. This transmission report was properly issue by the
10 sending fax machine.
- 11 **BY OVERNIGHT DELIVERY:** On the above-mentioned date, I enclosed the documents in an
12 envelope or package provided by an overnight delivery carrier and addressed to the persons at
13 the addresses shown above. I placed the envelope or package for collection and overnight
14 delivery at an office or a regularly utilized drop box of the overnight delivery carrier with
15 delivery fees paid or provided for.
- 16 **BY LEXISNEXIS:** I provided the document(s) listed above electronically to LexisNexis
17 through the LexisNexis File & Serve website pursuant to the order authorizing electronic service
18 and the instructions on that website.
- 19 **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I electronically
20 uploaded a true and correct copy in Adobe “pdf” format the above-listed document(s) to the
21 United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system.
22 After the electronic filing of a document, service is deemed complete upon receipt of the Notice
23 of Electronic Filing (“NEF”) by the registered CM/ECF users.
- 24 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
25 agreement of the parties to accept service by electronic transmission, I caused the documents to
26 be sent to the persons at the electronic notification addresses as shown above.
- 27 **(STATE)** I declare under penalty of perjury under the laws of the State of California that
28 the foregoing is true and correct.
- (FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2015.

_____/s/
Jeana Bisnar Maute

Exhibit C

1 GIBSON, DUNN & CRUTCHER LLP
JOSHUA A. JESSEN, SBN 222831
2 JJessen@gibsondunn.com
JEANA BISNAR MAUTE, SBN 290573
3 JBisnarMaute@gibsondunn.com
ASHLEY M. ROGERS, SBN 286252
4 ARogers@gibsondunn.com
1881 Page Mill Road
5 Palo Alto, California 94304
Telephone: (650) 849-5300
6 Facsimile: (650) 849-5333

7 GIBSON, DUNN & CRUTCHER LLP
GAIL E. LEES, SBN 90363
8 GLees@gibsondunn.com
CHRISTOPHER CHORBA, SBN 216692
9 CChorba@gibsondunn.com
333 South Grand Avenue
10 Los Angeles, California 90071
Telephone: (213) 229-7000
11 Facsimile: (213) 229-7520

12 Attorneys for Defendant
FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MATTHEW CAMPBELL, MICHAEL
17 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH

CONSOLIDATED CLASS ACTION

**DEFENDANT FACEBOOK, INC.'S FIRST
SET OF INTERROGATORIES TO
PLAINTIFF DAVID SHADPOUR**

23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: DAVID SHADPOUR

25 SET NO. ONE (1)

1 Pursuant to Federal Rules of Civil Procedure 26 and 33 (the “Federal Rules”), Defendant
2 Facebook, Inc., by and through its undersigned counsel, hereby propounds the following first set of
3 interrogatories (“Interrogatories”) on Plaintiff David Shadpour to be answered separately and under
4 oath, within thirty (30) days after service hereof. For purposes of these Interrogatories, the following
5 definitions and instructions shall apply:

6 **DEFINITIONS**

7 1. “ACTION” means and refers to the above-captioned lawsuit entitled *Matthew*
8 *Campbell et al. v. Facebook, Inc.*, Case No. C 13-05996 PJH, now pending in the United States
9 District Court for the Northern District of California, and assigned to the Honorable Phyllis J.
10 Hamilton.

11 2. “YOU,” “YOUR,” and/or “YOURSELF” refers to David Shadpour, a Plaintiff in the
12 ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall include
13 those in YOUR possession, custody, or control, as well as all DOCUMENTS in the possession,
14 custody or control of YOUR past and present attorneys, agents, employees, accountants, spouses,
15 financial or tax advisors, or any other persons and/or entities purporting to act on YOUR behalf.

16 3. “COMPLAINT” means and refers to YOUR “Consolidated Amended Class Action
17 Complaint,” filed on or about April 25, 2014, in the ACTION (Dkt. No. 25).

18 4. “COMMUNICATION” and “COMMUNICATIONS” include, without limitation, any
19 transmission or transfer of information of any kind, whether orally, electronically, in writing, or in
20 any other manner, at any time or place, and under any circumstances whatsoever.

21 5. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
22 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
23 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
24 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;
25 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
26 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
27 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing
28 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,

1 however produced or reproduced; and any paper or writing of whatever description, including any
2 computer database or information contained in any computer although not yet printed out.
3 “DOCUMENT” and “DOCUMENTS” specifically include all e-mail accounts of YOU and YOUR
4 representatives and/or agents. A draft or nonidentical copy is a separate document within the
5 meaning of this term.

6 6. “FACEBOOK” refers to Facebook, Inc., the Defendant in this ACTION, and anyone
7 acting on FACEBOOK’s behalf, as well as www.facebook.com and any FACEBOOK mobile
8 application.

9 7. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
10 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
11 by sending or receiving a message.

12 8. “SOCIAL NETWORKING WEBSITES” refers to all websites that provide users with
13 a platform to build social networks or social relations with users of the same website.

14 9. “EMAIL SERVICES” refers to all online services YOU use to send, receive, and/or
15 store electronic mail.

16 10. “PERSON” or “PERSONS” means an individual, or any public or private organization
17 or entity, including an agency, commission, committee, partnership, joint venture, corporation,
18 association, trust, estate, political subdivision, department, office, or board or any similar entity.

19 11. If YOU are asked to “IDENTIFY” information in response to an Interrogatory, YOUR
20 response should be complete and include:

21 a. in the case of an individual, the identification should include the full name
22 (including any maiden name, prior name, “nickname,” or variation in spelling) and present or last
23 known home or business address;

24 b. in the case of an organization or entity, the identification should include the
25 full name of the organization or entity and the present or last known address(es) of its place(s) of
26 business;

1 c. in the case of DOCUMENTS, the identification should include a complete
2 description setting forth the title (if any), date, author, recipient, general subject matter, present
3 location(s), and present custodian(s);

4 d. in the case of a transaction, occurrence, or instance of any behavior, the
5 identification should include the date, persons involved, place of occurrence, and a complete
6 description of all DOCUMENTS related thereto; and

7 e. in the case of a fact (or all facts), the identification should include YOUR basis
8 for asserting that fact, all persons who have discoverable knowledge concerning that fact, and all
9 DOCUMENTS relating to that fact, regardless of whether they support or contradict the fact.

10 **INSTRUCTIONS**

11 1. The numbered headings in the Interrogatories below are for convenience only and are
12 not intended or to be read as limiting the scope or meaning of any request for response thereunder.

13 2. YOU are to answer each Interrogatory separately and as completely as possible.

14 3. In answering these Interrogatories, furnish all information that is available to YOU,
15 including information in the possession of anyone acting on YOUR behalf, and not merely such
16 information known of YOUR own personal knowledge. If YOU cannot answer the Interrogatories in
17 full after exercising due diligence to secure the information to do so, YOU must answer to the extent
18 possible and explain why YOUR answer is not complete.

19 4. These Interrogatories should be construed as broadly as possible with all doubts
20 resolved in favor of production. The words "all," "any," "each," "and," and "or" shall be construed
21 conjunctively or disjunctively as necessary to make the Interrogatories inclusive rather than
22 exclusive. Except as specifically provided in these Interrogatories, words imparting the singular shall
23 include the plural and vice versa, where appropriate. Except as specifically provided in these
24 Interrogatories, words imparting the present tense shall also include the past and future tenses and
25 vice versa, where appropriate.

26 5. If any response requested by any Interrogatory is withheld under a claim of privilege,
27 YOU must set forth the information necessary for FACEBOOK to ascertain whether the privilege
28 properly applies, including, but not limited to, describing the matter withheld, stating the privilege

1 being relied upon, and identifying all PERSONS (by name, title, address, company (if applicable),
2 and relationship to YOU) who have or have had access to said matter (including but not limited to all
3 the identity(ies) of the author(s) or maker(s), recipient(s), and carbon copy recipient(s)), the
4 applicable date(s), and the subject matter(s) in a privilege log.

5 6. If any portion of any response to these Interrogatories is withheld under a claim of
6 privilege, any non-privileged portion of such response must be produced.

7 7. If the answer to any Interrogatory is that YOU lack knowledge of some or all of the
8 requested information, describe all efforts made by YOU to obtain the information necessary to
9 answer the Interrogatory.

10 8. The fact that YOUR investigation is continuing or that discovery is not complete does
11 not excuse YOU from answering each Interrogatory based on the knowledge YOU currently have.
12 However, if YOUR investigation is continuing or discovery is not complete with respect to the matter
13 inquired into, please state as much in YOUR answer.

14 9. Whenever an Interrogatory may be answered by referring to a DOCUMENT, the
15 DOCUMENT should be attached as an exhibit to the response and referred to in YOUR response. If
16 the DOCUMENT has more than one page, please refer to the page and section where the answer to
17 the Interrogatory can be found.

18 10. YOUR response to each Interrogatory shall identify each individual who supplied
19 information for, or participated or assisted in, the preparation of YOUR response.

20 11. If YOU object to a portion of any Interrogatory, then YOU should answer any portion
21 of the Interrogatory to which YOU have no objection.

22 12. If YOU conclude that any Interrogatory, Definition, or Instruction is ambiguous, then
23 state in YOUR answer the matter deemed ambiguous and the construction YOU employed in
24 answering the Interrogatory.

25 13. Interrogatories calling for numerical or chronological information shall be deemed, to
26 the extent that precise figures or dates are not known, to call for estimates. In each instance that an
27 estimate is given, it should be identified as such together with the source of information underlying
28 the estimate.

1 account username, or if the PERSON was not a FACEBOOK user, the PERSON's mobile telephone
2 number and/or email address from which a message was received or to which a message was sent.

3 **INTERROGATORY NO. 4**

4 IDENTIFY all facts regarding all EMAIL SERVICES and SOCIAL NETWORKING
5 WEBSITES, including but not limited to applications offered within those SOCIAL NETWORKING
6 WEBSITES, that YOU have used, including, for each, YOUR e-mail address and/or username and
7 the duration (time period) of YOUR use.

8 **INTERROGATORY NO. 5**

9 IDENTIFY all facts regarding how and when YOU first became aware of FACEBOOK's
10 alleged conduct referenced in YOUR COMPLAINT.

11 **INTERROGATORY NO. 6**

12 IDENTIFY all facts that support YOUR claim that YOU, other Plaintiffs in this ACTION,
13 and/or putative class members suffered harm and/or damage as a result of YOUR use of the
14 FACEBOOK MESSAGES PRODUCT, including but not limited to IDENTIFYING all facts
15 describing how YOU, Plaintiffs, and/or putative class members were harmed.

16 **INTERROGATORY NO. 7**

17 Separately for YOURSELF and the putative class, IDENTIFY all facts regarding the damages
18 and/or all other monetary relief that YOU and the putative class claim in this ACTION.

19 **INTERROGATORY NO. 8**

20 IDENTIFY all facts regarding all putative class action proceedings in which YOU have been
21 involved, including but not limited to YOUR role in the proceeding (plaintiff, defendant, witness),
22 the claims and defenses raised in each proceeding, the court or other tribunal in which the proceeding
23 occurred, the judicial officer or arbitrator(s) who presided over the proceeding, the case number, the
24 parties to the proceeding, a summary of the testimony and/or DOCUMENTS YOU provided (if any),
25 an identification of YOUR counsel for each proceeding, and the disposition and relief awarded.

26 **INTERROGATORY NO. 9**

27 IDENTIFY all facts supporting YOUR allegation in paragraph 25 of YOUR COMPLAINT
28 that the "interceptions" YOU contend are unlawful occur "in transit, in transmission, and/or during

1 transfer of users' private messages.”

2 **INTERROGATORY NO. 10**

3 IDENTIFY all facts that support YOUR allegations in paragraph 89 of YOUR COMPLAINT
4 that “Facebook’s practice of intercepting, scanning, and generating ‘Likes’ from, users’ private
5 messages, are not necessary for the rendition of Facebook’s private messaging service, the protection
6 of Facebook’s rights or property, or the security of Facebook users,” and “have not be undertaken in
7 the ordinary course of business of an electronic communication service, as described in 28 U.S.C.
8 § 2510(15).”

9 **INTERROGATORY NO. 11**

10 IDENTIFY all facts that support YOUR allegations in paragraphs 59–68 of the COMPLAINT
11 that this ACTION is appropriate for class treatment.

12 DATED: January 26, 2015

GIBSON, DUNN & CRUTCHER LLP

13 By: _____ /s/
14 Joshua A. Jessen

15 Attorneys for Defendant FACEBOOK, INC.
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1 **PROOF OF SERVICE**

2 I, Jeana Bisnar Maute, declare as follows:

3 I am employed in the County of Santa Clara, State of California, I am over the age of eighteen
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, CA
94304-1211, in said County and State. On January 26, 2015, I served the following document(s):

5 **DEFENDANT FACEBOOK, INC.’S FIRST SET OF INTERROGATORIES TO**
6 **PLAINTIFF DAVID SHADPOUR**

7 on the parties stated below, by the following means of service:

8 David F. Slade
dslade@cbplaw.com
9 James Allen Carney
acarney@cbplaw.com
10 Joseph Henry Bates, III
Carney Bates & Pulliam, PLLC
hbates@cbplaw.com

11 Jeremy A. Lieberman
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jalieberman@pomlaw.com

13 Melissa Ann Gardner
14 mgardner@lchb.com
15 Nicholas Diamand
ndiamand@lchb.com
16 Rachel Geman
rgeman@lchb.com
17 Michael W. Sobol
Lieff Cabraser Heimann & Bernstein, LLP
msobol@lchb.com

18 Jon A Tostrud
19 Tostrud Law Group, P.C.
jtostrud@tostrudlaw.com

20 Lionel Z. Glancy
21 Glancy Binkow & Goldberg LLP
info@glancylaw.com

22
23 **BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed
24 to the persons as indicated above, on the above-mentioned date, and placed the envelope for
25 collection and mailing, following our ordinary business practices. I am readily familiar with this
26 firm's practice for collecting and processing correspondence for mailing. On the same day that
27 correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service
in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware
that on motion of party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing set forth in this declaration.

28 I am a resident or employed in the county where the mailing occurred. The envelope or package
was placed in the mail at Palo Alto, California.

- 1 **BY MESSENGER SERVICE:** I placed a true copy in a sealed envelope or package addressed
2 to the persons at the addresses listed above and providing them to a professional messenger
3 service for service for delivery before 5:00 p.m. on the above-mentioned date. *(A declaration by
4 the messenger must accompany this Proof of Service.)*
- 5 **BY FAX TRANSMISSION:** Based on an agreement of the parties to accept service by fax
6 transmission, I faxed the documents to the persons at the fax numbers listed above
7 at _____ [a.m./p.m.] , on January 26, 2015. The telephone number of the sending fax machine
8 is [number] No error was reported by the fax machine that I used. A copy of the record of the fax
9 transmission, which I printed out, is attached. This transmission report was properly issue by the
10 sending fax machine.
- 11 **BY OVERNIGHT DELIVERY:** On the above-mentioned date, I enclosed the documents in an
12 envelope or package provided by an overnight delivery carrier and addressed to the persons at
13 the addresses shown above. I placed the envelope or package for collection and overnight
14 delivery at an office or a regularly utilized drop box of the overnight delivery carrier with
15 delivery fees paid or provided for.
- 16 **BY LEXISNEXIS:** I provided the document(s) listed above electronically to LexisNexis
17 through the LexisNexis File & Serve website pursuant to the order authorizing electronic service
18 and the instructions on that website.
- 19 **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I electronically
20 uploaded a true and correct copy in Adobe “pdf” format the above-listed document(s) to the
21 United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system.
22 After the electronic filing of a document, service is deemed complete upon receipt of the Notice
23 of Electronic Filing (“NEF”) by the registered CM/ECF users.
- 24 **BY ELECTRONIC SERVICE:** On the above-mentioned date, based on a court order or an
25 agreement of the parties to accept service by electronic transmission, I caused the documents to
26 be sent to the persons at the electronic notification addresses as shown above.
- 27 **(STATE)** I declare under penalty of perjury under the laws of the State of California that
28 the foregoing is true and correct.
- (FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2015.

_____/s/
Jeana Bisnar Maute

Exhibit D

CONFIDENTIAL

1 Michael W. Sobol (State Bar No. 194857)
msobol@lchb.com
2 David T. Rudolph (State Bar No. 233457)
drudolph@lchb.com
3 Melissa Gardner (State Bar No. 289096)
mgardner@lchb.com
4 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
5 San Francisco, CA 94111-3339
Telephone: 415.956.1000
6 Facsimile: 415.956.1008

7 Rachel Geman
rgeman@lchb.com
8 Nicholas Diamand
ndiamand@lchb.com
9 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
10 New York, NY 10013-1413
Telephone: 212.355.9500
11 Facsimile: 212.355.9592

12 Hank Bates (State Bar No. 167688)
hbates@cbplaw.com
13 Allen Carney
acarney@cbplaw.com
14 David Slade
dslade@cbplaw.com
15 CARNEY BATES & PULLIAM, PLLC
11311 Arcade Drive
16 Little Rock, AR 72212
Telephone: 501.312.8500
17 Facsimile: 501.312.8505

18 *Attorneys for Plaintiffs and the Proposed Class*

19
20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 OAKLAND DIVISION

23 MATTHEW CAMPBELL, MICHAEL
24 HURLEY, and DAVID SHADPOUR,

Plaintiffs,

v.

26 FACEBOOK, INC.,

Defendant.

Jeremy A. Lieberman
Lesley F. Portnoy
info@pomlaw.com
POMERANTZ, LLP
600 Third Avenue, 20th Floor
New York, New York 10016
Telephone: 212.661.1100
Facsimile: 212.661.8665

Patrick V. Dahlstrom
pdahlstrom@pomlaw.com
POMERANTZ, LLP
10 S. La Salle Street, Suite 3505
Chicago, Illinois 60603
Telephone: 312.377.1181
Facsimile: 312.377.1184

Case No. C 13-05996 PJH

**PLAINTIFF MATTHEW CAMPBELL'S
CORRECTED OBJECTIONS AND
RESPONSES TO DEFENDANT
FACEBOOK, INC.'S FIRST SET OF
INTERROGATORIES**

CONFIDENTIAL

1 PROPOUNDING PARTY: FACEBOOK, INC.
2 RESPONDING PARTY: MATTHEW CAMPBELL, on behalf of himself and
3 all others similarly situated
4 SET NO.: ONE (1)

5 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Matthew
6 Campbell hereby serves his corrected objections and responses to Defendant Facebook Inc.'s
7 First Set of Interrogatories ("Interrogatories"). These responses are designated "Confidential"
8 under the terms of the draft of the Stipulated Protective Order sent by Plaintiffs to Defendant on
9 March 11, 2015.

GENERAL OBJECTIONS

12 1. Plaintiff objects to each of Defendant's Interrogatories to the extent that they,
13 individually or cumulatively, purport to impose on Plaintiff duties and obligations which exceed,
14 or are different, than those imposed on him by the Federal Rules of Civil Procedure or the Local
15 Rules of the Court.

16 2. Plaintiff generally objects to each Interrogatory to the extent it purports to seek
17 information covered by the attorney-client privilege, the work product privilege, or any other
18 applicable privilege or immunity. Plaintiff further objects to each Interrogatory to the extent that
19 it seeks information prepared in anticipation of litigation or for trial of this or any matter.
20 Plaintiff will provide any information that he believes is non-privileged and is otherwise properly
21 discoverable. By providing such information, Plaintiff does not waive any privileges. To the
22 extent that an Interrogatory may be construed as seeking such privileged or protected information
23 or documents, Plaintiff hereby claims such privilege and invokes such protection. The fact that
24 Plaintiff does not specifically object to an individual Interrogatory on the ground that it seeks
25 such privileged or protected information shall not be deemed a waiver of the protection afforded
26 by the attorney-client privilege, the attorney work product doctrine, or any other applicable
27 privilege or protection.
28

CONFIDENTIAL

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates and references herein all of the General Objections. Plaintiff further objects that the Interrogatory seeks irrelevant information. Subject to and without waiver of the foregoing objections, Plaintiff states as follows: Plaintiff has not been involved in any other putative class action proceedings.

INTERROGATORY NO. 9:

IDENTIFY all facts regarding the exact practices by FACEBOOK that YOU contend violate California and/or federal law.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects to this Interrogatory as overly broad and unduly burdensome. Plaintiff objects to this Interrogatory on the grounds that it is untimely and premature because discovery in this action is ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery or investigation of facts relating to this matter, and has not completed preparation for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all facts that support the contentions and allegations in the Complaint. *See* Fed. R. Civ. P. 33(a)(2) (“the court may order that [contention interrogatories] need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”). Plaintiff further objects to the extent this Interrogatory purports to seek information covered by the attorney-client privilege or the work product privilege.

Subject to and without waiver of the foregoing objections, Plaintiff states as follows: Plaintiff refers to the operative Complaint, which identifies the elements of causes of action under the federal Electronic Communications Privacy Act, and Section 631 of the California Penal Code, respectively, as well as identifies which facts Plaintiff contends establish violations of each element of each of these statutes.

CONFIDENTIAL

INTERROGATORY NO. 10:

Do YOU contend that the scanning of FACEBOOK messages for any purpose violates federal law and/or California law?

RESPONSE TO INTERROGATORY NO. 10:

Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects to this Interrogatory on the grounds that it is untimely and premature because discovery in this action is ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery or investigation of facts relating to this matter, and has not completed preparation for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all facts that support the contentions and allegations in the Complaint. *See Fed. R. Civ. P. 33(a)(2)* (“the court may order that [contention interrogatories] need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”). Subject to and without waiver of the foregoing objections, Plaintiff states as follows: As alleged in the operative Complaint, Facebook’s conduct of scanning Plaintiff’s and the putative class members’ messages is a violation of federal and California law.

INTERROGATORY NO. 11:

If YOUR response to Interrogatory No. 10 is anything other than an unqualified “no,” IDENTIFY all facts supporting YOUR response.

RESPONSE TO INTERROGATORY NO. 11:

Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects to this Interrogatory as overly broad and unduly burdensome. Plaintiff objects to this Interrogatory on the grounds that it is untimely and premature because discovery in this action is ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery or investigation of facts relating to this matter, and has not completed preparation for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all facts that support the contentions and allegations in the Complaint. *See Fed. R. Civ. P.*

CONFIDENTIAL

1 33(a)(2) (“the court may order that [contention interrogatories] need not be answered until
2 designated discovery is complete, or until a pretrial conference or some other time.”). Plaintiff
3 further objects to the extent this Interrogatory purports to seek information covered by the
4 attorney-client privilege or the work product privilege.

5 Subject to and without waiver of the foregoing objections, Plaintiff states as follows:
6 Plaintiff refers to the operative Complaint, which identifies the elements of causes of action under
7 the federal Electronic Communications Privacy Act, and Section 631 of the California Penal
8 Code, respectively, as well as identifies which facts Plaintiff contends establish violations of each
9 element of each of these statutes.

10 **INTERROGATORY NO. 12:**

11 Do YOU contend that the scanning of FACEBOOK messages for the purpose of
12 increasing the “Like” count violates federal law and/or California law?

13 **RESPONSE TO INTERROGATORY NO. 12:**

14 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
15 to this Interrogatory on the grounds that the term “scanning” is undefined and is therefore vague;
16 the term “increasing the ‘Like’ count” is similarly vague within the context of this
17 Interrogatory. Plaintiff objects to this Interrogatory on the grounds that it is untimely and
18 premature because discovery in this action is ongoing with substantial discovery yet to
19 occur. Plaintiff objects on the grounds that Plaintiff has not completed his discovery or
20 investigation of facts relating to this matter, and has not completed preparation for trial, and
21 therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and
22 abusive of the discovery process to the extent that it calls for the disclosure of all facts that
23 support the contentions and allegations in the Complaint. *See* Fed. R. Civ. P. 33(a)(2) (“the court
24 may order that [contention interrogatories] need not be answered until designated discovery is
25 complete, or until a pretrial conference or some other time.”). Subject to and without waiver of
26 the foregoing objections, Plaintiff states as follows: As alleged in the operative Complaint,
27 Facebook’s conduct of scanning Plaintiff’s and the putative class members’ messages is a
28 violation of federal and California law.

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INTERROGATORY NO. 13:

If YOUR response to Interrogatory No. 12 is anything other than an unqualified “no,” IDENTIFY all facts supporting YOUR response.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects to this Interrogatory as overly broad and unduly burdensome. Plaintiff objects to this Interrogatory on the grounds that it is untimely and premature because discovery in this action is ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery or investigation of facts relating to this matter, and has not completed preparation for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all facts that support the contentions and allegations in the Complaint. See Fed. R. Civ. P. 33(a)(2)(“the court may order that [contention interrogatories] need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”). Plaintiff further objects to the extent this Interrogatory purports to seek information covered by the attorney-client privilege or the work product privilege.

Subject to and without waiver of the foregoing objections, Plaintiff states as follows: Plaintiff refers to the operative Complaint, which identifies the elements of causes of action under the federal Electronic Communications Privacy Act, and Section 631 of the California Penal Code, respectively, as well as identifies which facts Plaintiff contends establish violations of each element of each of these statutes.

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1 Dated: April 2, 2015

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

2
3 By: /s/ Michael W. Sobol
4 Michael W. Sobol

5 Michael W. Sobol (State Bar No. 194857)
msobol@lchb.com
6 David T. Rudolph (State Bar No. 233457)
drudolph@lchb.com
7 Melissa Gardner (State Bar No. 289096)
mgardner@lchb.com
8 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
9 San Francisco, CA 94111-3339
Telephone: 415.956.1000
10 Facsimile: 415.956.1008

11 Rachel Geman
rgeman@lchb.com
12 Nicholas Diamand
ndiamand@lchb.com
13 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
14 New York, NY 10013-1413
Telephone: 212.355.9500
15 Facsimile: 212.355.9592

16 Hank Bates (State Bar No. 167688)
hbates@cbplaw.com
17 Allen Carney
acarney@cbplaw.com
18 David Slade
dslade@cbplaw.com
19 CARNEY BATES & PULLIAM, PLLC
11311 Arcade Drive
20 Little Rock, AR 72212
Telephone: 501.312.8500
21 Facsimile: 501.312.8505

22 Jeremy A. Lieberman
info@pomlaw.com
23 POMERANTZ, LLP
600 Third Avenue, 20th Floor
24 New York, NY 10016
Telephone: 212.661.1100
25 Facsimile: 212.661.8665

26
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28

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Patrick V. Dahlstrom
pdahlstrom@pomlaw.com
POMERANTZ, LLP
10 S. La Salle Street, Suite 3505
Chicago, IL 60603
Telephone: 312.377.1181
Facsimile: 312.377.1184

Jon Tostrud (State Bar No. 199502)
jtostrud@tostrudlaw.com
TOSTRUD LAW GROUP, PC
1925 Century Park East, Suite 2125
Los Angeles, CA 90067
Telephone: 310.278.2600
Facsimile: 310.278.2640

Attorneys for Plaintiffs and the Proposed Class

CONFIDENTIAL

PROOF OF SERVICE

1
2 I am a citizen of the United States and employed in San Francisco County, California. I
3 am over the age of eighteen years and not a party to the within-entitled action. My business
4 address is 275 Battery Street, 29th Floor, San Francisco, California 94111-3339.

5 I am readily familiar with Lieff, Cabraser, Heimann & Bernstein, LLP's practice for
6 collection and processing of documents for service via email, and that practice is that the
7 documents are attached to an email and sent to the recipient's email account.

8 I am also readily familiar with this firm's practice for collection and processing of
9 correspondence for mailing with the United States Postal Service. Following ordinary business
10 practices, the envelope was sealed and placed for collection and mailing on this date, and would,
11 in the ordinary course of business, be deposited with the United States Postal Service on this date.

12 On April 2, 2015, I caused to be served copies of the following documents:

- 13
14 **1. PLAINTIFF MATTHEW CAMPBELL'S CORRECTED**
OBJECTIONS AND RESPONSES TO DEFENDANT
FACEBOOK, INC.'S FIRST SET OF INTERROGATORIES;
15 **and this**
- 16 **2. PROOF OF SERVICE BY EMAIL AND U.S. MAIL**

17 on Defendant in this action through their counsel:

18
19 Christopher Chorba
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
20 Los Angeles, CA 90071-3197
Email: cchorba@gibsondunn.com

21
22 Joshua Aaron Jessen
Gibson Dunn & Crutcher LLP
3161 Michelson Drive, Suite 1200
23 Irvine, CA 92612
Email: jjessen@gibsondunn.com

24
25 Executed on April 2, 2015, at San Francisco, California.

26 /s/ Melissa A. Gardner
27 Melissa A. Gardner

Exhibit E

CONFIDENTIAL

1 Michael W. Sobol (State Bar No. 194857)
msobol@lchb.com
2 David T. Rudolph (State Bar No. 233457)
drudolph@lchb.com
3 Melissa Gardner (State Bar No. 289096)
mgardner@lchb.com
4 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
5 San Francisco, CA 94111-3339
Telephone: 415.956.1000
6 Facsimile: 415.956.1008

7 Rachel Geman
rgeman@lchb.com
8 Nicholas Diamand
ndiamand@lchb.com
9 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
10 New York, NY 10013-1413
Telephone: 212.355.9500
11 Facsimile: 212.355.9592

12 Hank Bates (State Bar No. 167688)
hbates@cbplaw.com
13 Allen Carney
acarney@cbplaw.com
14 David Slade
dslade@cbplaw.com
15 CARNEY BATES & PULLIAM, PLLC
11311 Arcade Drive
16 Little Rock, AR 72212
Telephone: 501.312.8500
17 Facsimile: 501.312.8505

18 *Attorneys for Plaintiffs and the Proposed Class*

19
20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 OAKLAND DIVISION

23 MATTHEW CAMPBELL, MICHAEL
24 HURLEY, and DAVID SHADPOUR,

25 Plaintiffs,

26 v.

27 FACEBOOK, INC.,

28 Defendant.

Jeremy A. Lieberman
Lesley F. Portnoy
info@pomlaw.com
POMERANTZ, LLP
600 Third Avenue, 20th Floor
New York, New York 10016
Telephone: 212.661.1100
Facsimile: 212.661.8665

Patrick V. Dahlstrom
pdahlstrom@pomlaw.com
POMERANTZ, LLP
10 S. La Salle Street, Suite 3505
Chicago, Illinois 60603
Telephone: 312.377.1181
Facsimile: 312.377.1184

Case No. C 13-05996 PJH

**PLAINTIFF MICHAEL HURLEY'S
OBJECTIONS AND RESPONSES TO
DEFENDANT FACEBOOK, INC.'S
FIRST SET OF INTERROGATORIES**

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1 PROPOUNDING PARTY: FACEBOOK, INC.

2 RESPONDING PARTY: MICHAEL HURLEY, on behalf of himself and all
3 others similarly situated

4 SET NO.: ONE (1)

5 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Michael
6 Hurley hereby serves his objections and responses to Defendant Facebook Inc.'s First Set of
7 Interrogatories ("Interrogatories"). These responses are designated "Confidential" under the terms
8 of the draft of the Stipulated Protective Order sent by Plaintiffs to Defendant on March 11, 2015.

GENERAL OBJECTIONS

11 1. Plaintiff objects to each of Defendant's Interrogatories to the extent that they,
12 individually or cumulatively, purport to impose on Plaintiff duties and obligations which exceed,
13 or are different, than those imposed on him by the Federal Rules of Civil Procedure or the Local
14 Rules of the Court.

15 2. Plaintiff generally objects to each Interrogatory to the extent it purports to seek
16 information covered by the attorney-client privilege, the work product privilege, or any other
17 applicable privilege or immunity. Plaintiff further objects to each Interrogatory to the extent that
18 it seeks information prepared in anticipation of litigation or for trial of this or any matter.
19 Plaintiff will provide any information that he believes is non-privileged and is otherwise properly
20 discoverable. By providing such information, Plaintiff does not waive any privileges. To the
21 extent that an Interrogatory may be construed as seeking such privileged or protected information
22 or documents, Plaintiff hereby claims such privilege and invokes such protection. The fact that
23 Plaintiff does not specifically object to an individual Interrogatory on the ground that it seeks
24 such privileged or protected information shall not be deemed a waiver of the protection afforded
25 by the attorney-client privilege, the attorney work product doctrine, or any other applicable
26 privilege or protection.

27 3. Plaintiff and Plaintiff's counsel have not completed their investigation of the facts
28 related to this case and have not completed their preparation for trial. Thus, the following

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INTERROGATORY NO. 9:

Do YOU contend that the scanning of FACEBOOK messages for the purpose of developing user profiles to support and deliver targeted advertising violates federal law and/or California law?

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects to this Interrogatory on the grounds that the term “scanning” is undefined and is therefore vague; the terms “user profiles” and “targeted advertising” are similarly vague within the context of this Interrogatory. Plaintiff objects to this Interrogatory on the grounds that it is untimely and premature because discovery in this action is ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery or investigation of facts relating to this matter, and has not completed preparation for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all facts that support the contentions and allegations in the Complaint. *See* Fed. R. Civ. P. 33(a)(2)(“the court may order that [contention interrogatories] need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”). Subject to and without waiver of the foregoing objections, Plaintiff states as follows: As alleged in the operative Complaint, Facebook’s conduct of scanning Plaintiff’s and the putative class members’ messages is a violation of federal and California law.

INTERROGATORY NO. 10:

If YOUR response to Interrogatory No. 9 is anything other than an unqualified “no,” IDENTIFY all facts supporting YOUR response.

RESPONSE TO INTERROGATORY NO. 10:

Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects to this Interrogatory as overly broad and unduly burdensome. Plaintiff objects to this Interrogatory on the grounds that it is untimely and premature because discovery in this action is ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery or investigation of facts relating to this matter, and has not completed preparation

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1 for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive,
2 harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all
3 facts that support the contentions and allegations in the Complaint. *See Fed. R. Civ. P.*
4 33(a)(2)(“the court may order that [contention interrogatories] need not be answered until
5 designated discovery is complete, or until a pretrial conference or some other time.”). Plaintiff
6 further objects to the extent this Interrogatory purports to seek information covered by the
7 attorney-client privilege or the work product privilege.

8 Subject to and without waiver of the foregoing objections, Plaintiff states as follows:
9 Plaintiff refers to the operative Complaint, which identifies the elements of causes of action under
10 the federal Electronic Communications Privacy Act, and Section 631 of the California Penal
11 Code, respectively, as well as identifies which facts Plaintiff contends establish violations of each
12 element of each of these statutes.

13 **INTERROGATORY NO. 11:**

14 IDENTIFY all facts that support YOUR allegation in paragraph 3 of YOUR
15 COMPLAINT that “Facebook primarily generates revenue from targeted advertising and the
16 fundamental means of amassing the user data needed for effective targeted advertising is through
17 Facebook’s ‘Like’ function.”

18 **RESPONSE TO INTERROGATORY NO. 11:**

19 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
20 to this Interrogatory as overly broad and unduly burdensome, particularly given that Facebook
21 necessarily has access to its own financial data. Plaintiff objects to this Interrogatory on the
22 grounds that it is untimely and premature because discovery in this action is ongoing with
23 substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery
24 or investigation of facts relating to this matter, and has not completed preparation for trial, and
25 therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and
26 abusive of the discovery process to the extent that it calls for the disclosure of all facts that
27 support the contentions and allegations in the Complaint. *See Fed. R. Civ. P. 33(a)(2)*(“the court
28 may order that [contention interrogatories] need not be answered until designated discovery is

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1 complete, or until a pretrial conference or some other time.”). Plaintiff further objects to this
2 Interrogatory on the grounds that it is premature, as this Interrogatory may be the subject of
3 expert testimony, to be disclosed at a later date in accordance with the time set by the Court for
4 such disclosures. Plaintiff further objects to the extent this Interrogatory purports to seek
5 information covered by the attorney work product privilege. Subject to and without waiver of the
6 foregoing objections, Plaintiff states as follows:

7 Facebook admits in its Answer to paragraphs 3 and 49 of Plaintiffs’ Complaint that it
8 generates revenue from targeted advertising. *See also* Facebook’s Form 10-k for the fiscal year
9 ended December 31, 2014, at page 10, in which Facebook represents, “The substantial majority of
10 our revenue is currently generated from third parties advertising on Facebook. For 2014, 2013,
11 and 2012, advertising accounted for 92%, 89% and 84%, respectively, of our revenue.”
12 (Securities and Exchange Commission, *Facebook, Inc. Form 10-k*, (Fiscal Year ended December
13 31, 2014), [http://www.sec.gov/Archives/edgar/data/1326801/000132680115000006/fb-](http://www.sec.gov/Archives/edgar/data/1326801/000132680115000006/fb-12312014x10k.htm)
14 [12312014x10k.htm](http://www.sec.gov/Archives/edgar/data/1326801/000132680115000006/fb-12312014x10k.htm) (last visited February 20, 2015)); *see also* paragraph 49 of the operative
15 Complaint, which cites to Facebook’s Data Use Policy, Section IV, *How Advertising and*
16 *Sponsored Stories Work* (updated Dec. 11, 2012).

17 **INTERROGATORY NO. 12:**

18 IDENTIFY all facts that support YOUR allegation in paragraph 25 of YOUR
19 COMPLAINT that “whenever a private message contains a URL, Facebook uses a software
20 application called a ‘web crawler’ to scan the URL, sending HTTP requests to the server
21 associated with the URL and then seeking various items of information about the web page to
22 which the URL is linked.”

23 **RESPONSE TO INTERROGATORY NO. 12:**

24 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
25 to this Interrogatory as overly broad and unduly burdensome, particularly given that Facebook
26 necessarily has access to its own technical data. Plaintiff objects to this Interrogatory on the
27 grounds that it is untimely and premature because discovery in this action is ongoing with
28 substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed his discovery

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1 or investigation of facts relating to this matter, and has not completed preparation for trial, and
2 therefore, this Interrogatory is premature, improper, burdensome, oppressive, harassing, and
3 abusive of the discovery process to the extent that it calls for the disclosure of all facts that
4 support the contentions and allegations in the Complaint. *See* Fed. R. Civ. P. 33(a)(2) (“the court
5 may order that [contention interrogatories] need not be answered until designated discovery is
6 complete, or until a pretrial conference or some other time.”). Plaintiff further objects to this
7 Interrogatory on the grounds that it is premature, as this Interrogatory may be the subject of
8 expert testimony, to be disclosed at a later date in accordance with the time set by the Court for
9 such disclosures. Subject to and without waiver of the foregoing objections, Plaintiff states as
10 follows: Plaintiff refers to the following articles cited in the operative Complaint: Hi-Tech
11 Bridge, *Social Networks: Can Robots Violate User Privacy?* (Aug. 27, 2013) (last visited March
12 26, 2015),
13 https://www.htbridge.com/news/social_networks_can_robots_violate_user_privacy.html,
14 Molly McHugh, *Facebook Scans Private Messages for Brand Page Mentions, Admits a Bug Is*
15 *Boosting Likes*, Digital Trends (Oct. 4, 2012) (last visited March 26, 2015),
16 <http://www.digitaltrends.com/social-media/facebook-scans-private-messages/>, Jennifer
17 Valentino-DeVries et al., *How Private Are Your Private Facebook Messages?*, Wall St. J., (Oct.
18 3, 2012), <http://blogs.wsj.com/digits/2012/10/03/how-private-are-your-private-messages/> (last
19 visited March 26, 2015).

CONFIDENTIAL

1 Dated: April 1, 2015

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

2
3 By: /s/ Michael W. Sobol
4 Michael W. Sobol

5 Michael W. Sobol (State Bar No. 194857)
msobol@lchb.com
6 David T. Rudolph (State Bar No. 233457)
drudolph@lchb.com
7 Melissa Gardner (State Bar No. 289096)
mgardner@lchb.com
8 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
9 San Francisco, CA 94111-3339
Telephone: 415.956.1000
10 Facsimile: 415.956.1008

11 Rachel Geman
rgeman@lchb.com
12 Nicholas Diamand
ndiamand@lchb.com
13 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
14 New York, NY 10013-1413
Telephone: 212.355.9500
15 Facsimile: 212.355.9592

16 Hank Bates (State Bar No. 167688)
hbates@cbplaw.com
17 Allen Carney
acarney@cbplaw.com
18 David Slade
dslade@cbplaw.com
19 CARNEY BATES & PULLIAM, PLLC
11311 Arcade Drive
20 Little Rock, AR 72212
Telephone: 501.312.8500
21 Facsimile: 501.312.8505

22 Jeremy A. Lieberman
info@pomlaw.com
23 POMERANTZ, LLP
600 Third Avenue, 20th Floor
24 New York, NY 10016
Telephone: 212.661.1100
25 Facsimile: 212.661.8665

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Patrick V. Dahlstrom
pdahlstrom@pomlaw.com
POMERANTZ, LLP
10 S. La Salle Street, Suite 3505
Chicago, IL 60603
Telephone: 312.377.1181
Facsimile: 312.377.1184

Jon Tostrud (State Bar No. 199502)
jtostrud@tostrudlaw.com
TOSTRUD LAW GROUP, PC
1925 Century Park East, Suite 2125
Los Angeles, CA 90067
Telephone: 310.278.2600
Facsimile: 310.278.2640

Attorneys for Plaintiffs and the Proposed Class

CONFIDENTIAL

PROOF OF SERVICE

1
2 I am a citizen of the United States and employed in San Francisco County, California. I
3 am over the age of eighteen years and not a party to the within-entitled action. My business
4 address is 275 Battery Street, 29th Floor, San Francisco, California 94111-3339.

5 I am readily familiar with Lieff, Cabraser, Heimann & Bernstein, LLP's practice for
6 collection and processing of documents for service via email, and that practice is that the
7 documents are attached to an email and sent to the recipient's email account.

8 I am also readily familiar with this firm's practice for collection and processing of
9 correspondence for mailing with the United States Postal Service. Following ordinary business
10 practices, the envelope was sealed and placed for collection and mailing on this date, and would,
11 in the ordinary course of business, be deposited with the United States Postal Service on this date.

12 On April 1, 2015, I caused to be served copies of the following documents:

- 13
14 **1. PLAINTIFF MICHAEL HURLEY'S OBJECTIONS AND**
RESPONSES TO DEFENDANT FACEBOOK, INC.'S FIRST
SET OF INTERROGATORIES; and this
15
16 **2. PROOF OF SERVICE BY EMAIL AND U.S. MAIL**

17 on Defendant in this action through their counsel:

18 Christopher Chorba
19 Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
20 Los Angeles, CA 90071-3197
Email: cchorba@gibsondunn.com

21 Joshua Aaron Jessen
22 Gibson Dunn & Crutcher LLP
3161 Michelson Drive, Suite 1200
23 Irvine, CA 92612
Email: jjessen@gibsondunn.com

24 Executed on April 1, 2015, at San Francisco, California.

25
26 /s/ Melissa A. Gardner
Melissa A. Gardner

Exhibit F

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

1 Michael W. Sobol (State Bar No. 194857)
msobol@lchb.com
2 David T. Rudolph (State Bar No. 233457)
drudolph@lchb.com
3 Melissa Gardner (State Bar No. 289096)
mgardner@lchb.com
4 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
5 San Francisco, CA 94111-3339
Telephone: 415.956.1000
6 Facsimile: 415.956.1008

7 Rachel Geman
rgeman@lchb.com
8 Nicholas Diamand
ndiamand@lchb.com
9 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
10 New York, NY 10013-1413
Telephone: 212.355.9500
11 Facsimile: 212.355.9592

12 Hank Bates (State Bar No. 167688)
hbates@cbplaw.com
13 Allen Carney
acarney@cbplaw.com
14 David Slade
dslade@cbplaw.com
15 CARNEY BATES & PULLIAM, PLLC
11311 Arcade Drive
16 Little Rock, AR 72212
Telephone: 501.312.8500
17 Facsimile: 501.312.8505

Jeremy A. Lieberman
Lesley F. Portnoy
info@pomlaw.com
POMERANTZ, LLP
600 Third Avenue, 20th Floor
New York, New York 10016
Telephone: 212.661.1100
Facsimile: 212.661.8665

Patrick V. Dahlstrom
pdahlstrom@pomlaw.com
POMERANTZ, LLP
10 S. La Salle Street, Suite 3505
Chicago, Illinois 60603
Telephone: 312.377.1181
Facsimile: 312.377.1184

18 *Attorneys for Plaintiffs and the Proposed Class*

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 OAKLAND DIVISION

23 MATTHEW CAMPBELL, MICHAEL
24 HURLEY, and DAVID SHADPOUR,

25 Plaintiffs,

26 v.

27 FACEBOOK, INC.,

28 Defendant.

Case No. C 13-05996 PJH

**PLAINTIFF DAVID SHADPOUR’S
CORRECTED OBJECTIONS AND
RESPONSES TO DEFENDANT
FACEBOOK, INC.’S FIRST SET OF
INTERROGATORIES**

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

1 PROPOUNDING PARTY: FACEBOOK, INC.

2 RESPONDING PARTY: DAVID SHADPOUR, on behalf of himself and all
3 others similarly situated

4 SET NO.: ONE (1)

5 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff David
6 Shadpour hereby serves his corrected objections and responses to Defendant Facebook Inc.’s First
7 Set of Interrogatories (“Interrogatories”). These responses are designated “Highly Confidential –
8 Attorneys’ Eyes Only” under the terms of the draft of the Stipulated Protective Order sent by
9 Plaintiffs to Defendant on March 11, 2015.

GENERAL OBJECTIONS

12 1. Plaintiff objects to each of Defendant’s Interrogatories to the extent that they,
13 individually or cumulatively, purport to impose on Plaintiff duties and obligations which exceed,
14 or are different, than those imposed on him by the Federal Rules of Civil Procedure or the Local
15 Rules of the Court.

16 2. Plaintiff generally objects to each Interrogatory to the extent it purports to seek
17 information covered by the attorney-client privilege, the work product privilege, or any other
18 applicable privilege or immunity. Plaintiff further objects to each Interrogatory to the extent that
19 it seeks information prepared in anticipation of litigation or for trial of this or any matter.
20 Plaintiff will provide any information that he believes is non-privileged and is otherwise properly
21 discoverable. By providing such information, Plaintiff does not waive any privileges. To the
22 extent that an Interrogatory may be construed as seeking such privileged or protected information
23 or documents, Plaintiff hereby claims such privilege and invokes such protection. The fact that
24 Plaintiff does not specifically object to an individual Interrogatory on the ground that it seeks
25 such privileged or protected information shall not be deemed a waiver of the protection afforded
26 by the attorney-client privilege, the attorney work product doctrine, or any other applicable
27 privilege or protection.

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

1 such disclosures. Subject to and without waiver of the foregoing objections, Plaintiff states as
2 follows: *See* Plaintiff’s responses to Interrogatories No. 2 and 6.

3 **INTERROGATORY NO. 8:**

4 IDENTIFY all facts regarding all putative class action proceedings in which YOU have
5 been involved, including but not limited to YOUR role in the proceeding (plaintiff, defendant,
6 witness), the claims and defenses raised in each proceeding, the court or other tribunal in which
7 the proceeding occurred, the judicial officer or arbitrator(s) who presided over the proceeding, the
8 case number, the parties to the proceeding, a summary of the testimony and/or DOCUMENTS
9 YOU provided (if any), an identification of YOUR counsel for each proceeding, and the
10 disposition and relief awarded.

11 **RESPONSE TO INTERROGATORY NO. 8:**

12 Plaintiff incorporates and references herein all of the General Objections. Plaintiff further
13 objects that the Interrogatory seeks irrelevant information. Subject to and without waiver of the
14 foregoing objections, Plaintiff states as follows: Plaintiff has not been involved in any other
15 putative class action proceedings.

16 **INTERROGATORY NO. 9:**

17 IDENTIFY all facts that support YOUR allegation in paragraph 25 of YOUR
18 COMPLAINT that the “interceptions” YOU contend are unlawful occur “in transit, in
19 transmission, and/or during transfer of users’ private messages.”

20 **RESPONSE TO INTERROGATORY NO. 9:**

21 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
22 to this Interrogatory as overly broad and unduly burdensome. Plaintiff objects to this
23 Interrogatory on the grounds that it is untimely and premature because discovery in this action is
24 ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed
25 his discovery or investigation of facts relating to this matter, and has not completed preparation
26 for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive,
27 harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all
28 facts that support the contentions and allegations in the Complaint. See Fed. R. Civ. P.

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1 33(a)(2)(“the court may order that [contention interrogatories] need not be answered until
2 designated discovery is complete, or until a pretrial conference or some other time.”). Plaintiff
3 further objects to this Interrogatory on the grounds that it is premature, as this Interrogatory may
4 be the subject of expert testimony, to be disclosed at a later date in accordance with the time set
5 by the Court for such disclosures. Plaintiff further objects to the extent this Interrogatory purports
6 to seek information covered by the attorney work product privilege. Subject to and without
7 waiver of the foregoing objections, Plaintiff states as follows: Plaintiff refers to the entirety of the
8 operative Complaint, including but not limited to the allegations set forth in Paragraphs 27, 28,
9 35, 36, 37, 40.

10 **INTERROGATORY NO. 10:**

11 IDENTIFY all facts that support YOUR allegation in paragraph 89 of YOUR
12 COMPLAINT that “Facebook’s practice of intercepting, scanning, and generating ‘Likes’ from,
13 users’ private messages, are not necessary for the rendition of Facebook’s private messaging
14 service, the protection of Facebook’s rights or property, or the security of Facebook users,” and
15 “have not be undertaken in the ordinary course of business of an electronic communication
16 service, as described in 28 U.S.C. § 2510(15).”

17 **RESPONSE TO INTERROGATORY NO. 10:**

18 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
19 to this Interrogatory as overly broad and unduly burdensome. Plaintiff objects to this
20 Interrogatory on the grounds that it is untimely and premature because discovery in this action is
21 ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not completed
22 his discovery or investigation of facts relating to this matter, and has not completed preparation
23 for trial, and therefore, this Interrogatory is premature, improper, burdensome, oppressive,
24 harassing, and abusive of the discovery process to the extent that it calls for the disclosure of all
25 facts that support the contentions and allegations in the Complaint. *See* Fed. R. Civ. P.

26 33(a)(2)(“the court may order that [contention interrogatories] need not be answered until
27 designated discovery is complete, or until a pretrial conference or some other time.”). Plaintiff
28 objects to this Interrogatory on the grounds that it is premature, as this Interrogatory may be the

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1 subject of expert testimony, to be disclosed at a later date in accordance with the time set by the
2 Court for such disclosures. Plaintiff further objects to the extent this Interrogatory purports to
3 seek information covered by the attorney-client privilege or the work product privilege.

4 Subject to and without waiver of the foregoing objections, Plaintiff states as follows:
5 Plaintiff refers to the operative Complaint, including but not limited to the following allegations,
6 2, 4, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40,
7 45, 46, 47, 48, 49, 52, 56, 57, 58, 64, and 86, which identify the elements of causes of action
8 under the federal Electronic Communications Privacy Act, and Section 631 of the California
9 Penal Code, respectively, as well as identify which facts Plaintiff contends establish violations of
10 each element of each of these statutes.

11 **INTERROGATORY NO. 11:**

12 IDENTIFY all facts that support YOUR allegations in paragraphs 59–68 of the
13 COMPLAINT that this ACTION is appropriate for class treatment.

14 **RESPONSE TO INTERROGATORY NO. 11:**

15 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
16 to this Interrogatory on the grounds that it is untimely and premature because discovery in this
17 action is ongoing with substantial discovery yet to occur. Plaintiff objects that Plaintiff has not
18 completed his discovery or investigation of facts relating to this matter, and has not completed
19 preparation for trial, and therefore, this Interrogatory is premature, improper, burdensome,
20 oppressive, harassing, and abusive of the discovery process to the extent that it calls for the
21 disclosure of all facts that support the contentions and allegations in the Complaint. See Fed. R.
22 Civ. P. 33(a)(2)(“the court may order that [contention interrogatories] need not be answered until
23 designated discovery is complete, or until a pretrial conference or some other time.”). Plaintiff
24 further objects to this Interrogatory on the grounds that it is premature, as this Interrogatory may
25 be the subject of expert testimony, to be disclosed at a later date in accordance with the time set
26 by the Court for such disclosures.

27 Subject to and without waiver of the foregoing objections, Plaintiff states as follows:
28 Plaintiff refers to the entirety of the operative Complaint, including but not limited to the

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1 allegations in Paragraphs 2, 3, 4, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
2 33, 34, 35, 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50, 51, 52, 56, 57, 58, 62, 63, 64, and 65.

3
4 Dated: April 2, 2015

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

5
6 By: /s/ Michael W. Sobol
Michael W. Sobol

7 Michael W. Sobol (State Bar No. 194857)
msobol@lchb.com
8 David T. Rudolph (State Bar No. 233457)
drudolph@lchb.com
9 Melissa Gardner (State Bar No. 289096)
mgardner@lchb.com
10 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
11 275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
12 Telephone: 415.956.1000
Facsimile: 415.956.1008

13 Rachel Geman
rgeman@lchb.com
14 Nicholas Diamand
ndiamand@lchb.com
15 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
16 250 Hudson Street, 8th Floor
New York, NY 10013-1413
17 Telephone: 212.355.9500
Facsimile: 212.355.9592

18 Hank Bates (State Bar No. 167688)
hbates@cbplaw.com
19 Allen Carney
acarney@cbplaw.com
20 David Slade
dslade@cbplaw.com
21 CARNEY BATES & PULLIAM, PLLC
22 11311 Arcade Drive
Little Rock, AR 72212
23 Telephone: 501.312.8500
Facsimile: 501.312.8505

24 Jeremy A. Lieberman
info@pomlaw.com
25 POMERANTZ, LLP
26 600 Third Avenue, 20th Floor
New York, NY 10016
27 Telephone: 212.661.1100
28 Facsimile: 212.661.8665

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Patrick V. Dahlstrom
pdahlstrom@pomlaw.com
POMERANTZ, LLP
10 S. La Salle Street, Suite 3505
Chicago, IL 60603
Telephone: 312.377.1181
Facsimile: 312.377.1184

Jon Tostrud (State Bar No. 199502)
jtostrud@tostrudlaw.com
TOSTRUD LAW GROUP, PC
1925 Century Park East, Suite 2125
Los Angeles, CA 90067
Telephone: 310.278.2600
Facsimile: 310.278.2640

Attorneys for Plaintiffs and the Proposed Class

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PROOF OF SERVICE

1
2 I am a citizen of the United States and employed in San Francisco County, California. I
3 am over the age of eighteen years and not a party to the within-entitled action. My business
4 address is 275 Battery Street, 29th Floor, San Francisco, California 94111-3339.

5 I am readily familiar with Lieff, Cabraser, Heimann & Bernstein, LLP’s practice for
6 collection and processing of documents for service via email, and that practice is that the
7 documents are attached to an email and sent to the recipient’s email account.

8 I am also readily familiar with this firm’s practice for collection and processing of
9 correspondence for mailing with the United States Postal Service. Following ordinary business
10 practices, the envelope was sealed and placed for collection and mailing on this date, and would,
11 in the ordinary course of business, be deposited with the United States Postal Service on this date.

12 On April 2, 2015, I caused to be served copies of the following documents:

- 13
14 **1. PLAINTIFF DAVID SHADPOUR’S CORRECTED**
OBJECTIONS AND RESPONSES TO DEFENDANT
FACEBOOK, INC.’S FIRST SET OF INTERROGATORIES;
15 **and this**
- 16 **2. PROOF OF SERVICE BY EMAIL AND U.S. MAIL**

17 on Defendant in this action through their counsel:

18
19 Christopher Chorba
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
20 Los Angeles, CA 90071-3197
Email: cchorba@gibsondunn.com

21
22 Joshua Aaron Jessen
Gibson Dunn & Crutcher LLP
3161 Michelson Drive, Suite 1200
23 Irvine, CA 92612
Email: jjessen@gibsondunn.com

24
25 Executed on April 2, 2015, at San Francisco, California.

26 /s/ Melissa A. Gardner
27 Melissa A. Gardner