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12 Attorneys for Defendant
 FACEBOOK, INC.

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

17 MATTHEW CAMPBELL, MICHAEL
 HURLEY, and DAVID SHADPOUR,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC.,

21 Defendant.

Case No. C 13-05996 PJH (MEJ)

PUTATIVE CLASS ACTION

**DECLARATION OF CHRISTOPHER
 CHORBA IN SUPPORT OF DEFENDANT
 FACEBOOK, INC.'S RESPONSE TO
 PLAINTIFFS' REQUEST FOR
 TELEPHONIC DISCOVERY
 CONFERENCE**

1 I, Christopher Chorba, declare as follows:

2 1. I am an attorney admitted to practice law before this Court. I am a partner in the law
3 firm of Gibson, Dunn & Crutcher LLP, and I am one of the attorneys responsible for the
4 representation of Defendant Facebook, in the above-referenced action. I submit this declaration in
5 support of Facebook's Response to Plaintiff's Request for a Telephonic Discovery Conference.
6 Unless otherwise stated, the following facts are within my personal knowledge and, if called and
7 sworn as a witness, I could and would testify competently to these facts.

8 2. I have had several telephonic conversations with Michael Sobol, counsel for plaintiffs,
9 regarding the scheduling of depositions in this action. I believe that Plaintiffs refer to one of these
10 conversations in their Request for a Telephonic Discovery Conference (Dkt. 84) at page 1:25-28:

11 During a telephonic meet and confer in mid-May 2015, counsel for Plaintiffs
12 requested deposition dates in mid-June for Facebook's declarant in support of
13 Plaintiffs' motion to compel source code. Facebook was non-committal but
14 did not notify Plaintiffs of any concerns related to the declarant's availability.

15 3. The preceding statement, which Plaintiffs do not support with a declaration, is
16 incomplete and inaccurate. While it is true that I spoke with Mr. Sobol on May 12, 2015, at
17 approximately 1:30 p.m., regarding deposition scheduling, I did note Facebook's "concerns related to
18 the declarant's availability" to Mr. Sobol. Specifically, I explained to Mr. Sobol that Facebook was
19 still in the process of collecting responsive documents and determining whether it would provide a
20 declaration from a Facebook employee (and which employee that would be), but that my client had
21 not yet settled on the identity of the potential declarant. On at least two occasions during this
22 conversation, I noted to Mr. Sobol that I could not guarantee that the as-yet unidentified declarant
23 would be available during any specific time (such as the week of June 15 or before July 2) for a
24 deposition. I further noted to Mr. Sobol that plaintiffs did not request a deposition during the
25 discovery conference on April 13. Mr. Sobol responded that it was "implicit" in the Court's order
26 setting a schedule, and I explained that Facebook disagreed with this interpretation. I also noted that
27 Facebook would work with him to schedule the deposition, but that Facebook would not produce the
28 witness more than one time in this action (a position that Plaintiffs' counsel has taken with respect to

