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12 Attorneys for Defendant  
 FACEBOOK, INC.

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 ALEX HIMEL  
 REGARDING AVAILABILITY  
 FOR DEPOSITION**

1 I, Alex Himel, declare as follows:

2 1. I have been employed as a software engineer at Facebook since April 2009, and my  
3 current title is Engineering Director. I am over the age of 18 and have personal knowledge of the  
4 matters stated herein and, if called as a witness, could and would testify competently thereto.

5 2. On June 1, 2015, I signed a declaration on behalf of Facebook in this action regarding  
6 documents produced in lieu of source code that are relevant to certain processes related to messages  
7 and social plugins. As I explained in that declaration, Facebook's source code is a closely guarded  
8 trade secret of enormous economic value to the company, and Facebook undertakes significant  
9 efforts to protect its source code against disclosure.

10 3. I understand that counsel for plaintiffs has requested a date for my deposition during  
11 the week of June 15, 2015.

12 4. Unfortunately, as Facebook's counsel has explained to plaintiffs, I am not available  
13 for a deposition during the week of June 15, nor am I available for a deposition prior to July 8, 2015.  
14 I understand that my deposition will require at least two days (or longer) to prepare for and conduct.  
15 My ongoing role at Facebook is very demanding; it involves overseeing the daily operations and  
16 efforts of over 200 other employees, including software engineers, engineering managers, and  
17 engineering directors. My teams and I are responsible for building and ensuring the correct  
18 functioning of the algorithms underlying some of the most-used aspects of Facebook's user interface.  
19 Due to several specific, important events scheduled between now and July 8, 2015, it would be a  
20 significant burden on Facebook and on me personally to spend two or more days preparing for and  
21 conducting my deposition prior to that date.

22 5. In particular, Facebook's bi-annual strategic planning sessions are scheduled for the  
23 week of June 15, 2015. During these sessions, which occur only two times per year, employees have  
24 small group meetings with personnel to whom we report and, depending on our seniority, upper level  
25 management. Because I am a fairly senior Engineering Director, my strategic planning sessions will  
26 involve extended meetings with the Vice President of the Facebook Utility group (to whom I directly  
27 report) and the Chief Executive Officer of Facebook, Mark Zuckerberg (to whom my superior

1 directly reports). During these meetings, we will discuss product strategies and other major  
2 undertakings for the next six months. These bi-annual strategic planning sessions are essential for  
3 determining the roadmap for the company, and as a high-level Engineering Director to whom several  
4 other engineering managers and directors report, I am responsible for spearheading various efforts to  
5 prepare for and implement these sessions. Preparing for and attending these important meetings is  
6 extremely time consuming and all-encompassing. In addition, I must conduct meetings with my own  
7 teams to begin implementing the plans and decisions made following these sessions.

8         6. I understand that last week, counsel for plaintiffs also asked if I was available for  
9 deposition during the week of June 22, 2015—specifically on two days that week (June 22 or 23).  
10 However, I will be in New York for preexisting work commitments on those days, as well as that  
11 entire week (I fly to New York on Sunday, June 21 and return on Friday, June 26), and therefore I am  
12 unavailable for a deposition that week, as well.

13         7. I understand that counsel for plaintiffs has not requested my deposition during the  
14 following holiday week of June 29-July 2, 2015. However, it would be challenging to sit for a  
15 deposition that week due to the short, 4-day week. Specifically, during the early part of the week, I  
16 am informed that plaintiffs are deposing another Facebook employee (Jiakai Liu) on June 30, and that  
17 Facebook’s counsel will be meeting with Mr. Liu on June 29 and attending his deposition on June 30,  
18 and therefore will be unavailable to meet with me during those days or to defend my deposition then.  
19 I also have a product meeting scheduled with Mr. Zuckerberg during the afternoon of June 30.  
20 Additionally, my inability to meet with counsel beforehand to prepare for my deposition would make  
21 it impossible for me to attend a deposition on July 1 and very challenging to attend a deposition on  
22 July 2 (the day before the holiday weekend). Consequently, the first date on which I do not have an  
23 important, existing commitment that would allow for me to meaningfully meet with Facebook’s  
24 attorneys in advance of my deposition is July 8, 2015.

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8. If my schedule changes and I become available before July 8, I will promptly notify Facebook's counsel, who will inform plaintiffs' counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on June 9, 2015 in Menlo Park, California.

  
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Alex Himel