

Exhibit A

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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 REQUESTS FOR PRODUCTION
OF DOCUMENTS 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 34 (the “Federal Rules”) and the Local
2 Rules of this Court (the “Local Rules”), Defendant Facebook, Inc. hereby requests that Plaintiff
3 David Shadpour produce the following documents in his possession, custody or control in accordance
4 with the definitions and instructions contained herein to the undersigned attorneys for inspection and
5 copying at the offices of Gibson, Dunn & Crutcher LLP, 1881 Page Mill Road, Palo Alto, CA 94304,
6 within thirty (30) days after service hereof. The following requests for documents (the “Requests”)
7 are to be read in accordance with the definitions and respective instructions that follow, as well as the
8 applicable Federal Rules and Local Rules.

9 **DEFINITIONS**

10 For purposes of these Requests and the instructions thereto, the following definitions apply:

11 1. The definitions and rules of construction set forth in Rule 34 of the Federal Rules are
12 incorporated herein.

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

17 3. “YOU,” “YOUR,” and/or “YOURSELF” refers to David Shadpour, a Plaintiff in the
18 ACTION, and anyone acting on YOUR behalf. Any DOCUMENTS referred to herein shall include
19 those in YOUR possession, custody, or control.

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

22 5. “COMMUNICATION” and “COMMUNICATIONS” include, without limitation, any
23 transmission or transfer of information of any kind, whether orally, electronically, in writing, or in
24 any other manner, at any time or place, and under any circumstances whatsoever.

25 6. “DOCUMENT” and “DOCUMENTS” have the full meaning ascribed to those terms
26 under Federal Rule 34 and include, without limitation, any and all drafts; COMMUNICATIONS;
27 correspondence; memoranda; records; reports; books; records, reports and/or summaries of personal
28 conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes;

1 microfilms; minutes; records, reports and/or summaries of meetings or conferences; records and
2 reports of consultants; press releases; stenographic handwritten or any other notes; work papers;
3 checks, front and back; check vouchers, check stubs or receipts; tape data sheets or data processing
4 cards or discs or any other written, recorded, transcribed, punched, taped, filmed or graphic matter,
5 however produced or reproduced; and any paper or writing of whatever description, including any
6 computer database or information contained in any computer although not yet printed out.

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

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

13 8. “FACEBOOK MESSAGES PRODUCT” refers to the FACEBOOK product that
14 YOU allege in the COMPLAINT that YOU used, which allows FACEBOOK users to share content
15 by sending or receiving a message.

16 9. “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 **INSTRUCTIONS**

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

1 2. All requested DOCUMENTS must be produced in their entirety, without
2 abbreviations, redaction, or expurgation and with all attachments and enclosures, regardless of
3 whether YOU consider the attachments and enclosures to be relevant or responsive to each Request.

4 3. In responding to each Request, YOU are to produce each and every DOCUMENT in
5 YOUR possession, custody or control.

6 4. For purposes of these Requests, a DOCUMENT is deemed to be in YOUR “control” if
7 any of YOUR attorneys, agents, accountants, financial or tax advisors, or any other PERSON
8 purporting to act on YOUR behalf has actual physical possession of the DOCUMENT or a copy
9 thereof, or if YOU have the right to secure the DOCUMENT or copy thereof from another PERSON
10 having actual physical possession of the DOCUMENT.

11 5. If YOUR response to a Request is that a DOCUMENT is not in YOUR possession,
12 custody, or control, describe in detail the efforts made to locate it and identify who has the
13 possession, custody or control of the DOCUMENT.

14 6. If any DOCUMENT requested herein was formerly in YOUR possession, custody, or
15 control or of any agent, servant, employee, or other PERSON acting or purporting to act on YOUR
16 behalf and said DOCUMENT has since been lost or destroyed, YOU are to submit a written
17 statement that describes, in detail, the nature of the DOCUMENT and its contents; identifies the
18 PERSON who prepared the document and, if applicable, the PERSON or PERSONS to whom the
19 DOCUMENT was sent or disclosed; specifies the date on which the DOCUMENT was prepared,
20 transmitted, or received; specifies, if known, the date on which the DOCUMENT was lost or
21 destroyed and the conditions of and the reasons for such loss or destruction and the names of those
22 PERSONS last in possession of or those PERSONS requesting and performing the destruction of
23 such documents; and identifies all PERSONS with knowledge of any portions of the contents of the
24 DOCUMENT.

25 7. Pursuant to Rule 34(b) of the Federal Rules, YOU shall produce responsive
26 DOCUMENTS as they have been kept in the usual course of business or shall organize and label
27 them to correspond to the Requests. In either case, DOCUMENTS contained in file folders, loose-
28 leaf binders, and notebooks with tabs or labels identifying such documents are to be produced intact

1 with such file folders, loose-leaf binders, or notebooks. All DOCUMENTS that are physically
2 attached to each other shall be left so attached. DOCUMENTS that are segregated or separated from
3 other documents shall be left so segregated or separated.

4 8. Each Request herein requires that YOU produce any and all DOCUMENTS from
5 personal computers, notebook or laptop computers, tablet devices, file servers, personal digital
6 assistants (PDAs), cellular telephones, minicomputers, mainframe computers, Web servers, Internet
7 servers, cloud storage, or other storage devices including web pages, hard disk drives, flash drives,
8 floppy disks, databases, backup or archival tapes, containing the requested DOCUMENTS. All
9 relevant DOCUMENTS that are accessible on the storage media and that are erased or deleted but
10 recoverable through any means whatsoever should be produced.

11 9. Electronically stored DOCUMENTS, including e-mail, web pages and html files, shall
12 be produced in the form or forms in which they are ordinarily maintained or in a form that is
13 reasonably usable.

14 10. One copy of each DOCUMENT requested is to be produced. Any copy of a
15 DOCUMENT that varies in any way from the original or from any other copy of the document,
16 whether by reason of handwritten or other notation or otherwise, shall constitute a separate
17 DOCUMENT and must be produced, whether or not the original is within YOUR possession,
18 custody, or control.

19 11. If a requested DOCUMENT is withheld on the basis of any claim of privilege, YOU
20 must set forth the information necessary for FACEBOOK to ascertain whether the privilege properly
21 applies, including describing the DOCUMENT withheld, stating the privilege being relied upon, and
22 identifying all PERSONS (by name, title, address, company (if applicable), and relationship to YOU)
23 who have or have had access to such DOCUMENT (including all the identity(ies) of the author(s) or
24 maker(s), recipient(s), and carbon copy recipient(s)), the applicable date(s), and the subject matter(s)
25 in a privilege log.

26 12. If any portion of any DOCUMENT responsive to these Requests is withheld under the
27 claim of privilege, any non-privileged portion of such DOCUMENT must be produced with the
28

1 portion claimed to be privileged redacted and logged in a privilege log pursuant to the preceding
2 instructions.

3 13. All objections to any category of DOCUMENTS to be produced pursuant to this
4 Request must be made in a written response served on counsel for FACEBOOK within the time
5 period for responding to these Requests.

6 14. These Requests are to be regarded as continuing pursuant to Rule 26(e) of the Federal
7 Rules. YOU are required to provide, by way of supplementary responses hereto, such additional
8 information as may be obtained by YOU or any person acting on YOUR behalf that will augment or
9 modify YOUR answers now given to the following Requests. Pursuant to Rule 26(e) of the Federal
10 Rules, YOU are required to supplement these responses and provide additional DOCUMENTS
11 without a specific request from FACEBOOK.

12 15. FACEBOOK serves these Requests without prejudice to its right to serve additional
13 requests for production of DOCUMENTS.

14 **DOCUMENT REQUESTS**

15 **REQUEST NO. 1**

16 Copies of all messages YOU have sent or received through the FACEBOOK MESSAGES
17 PRODUCT, including but not limited to “messages containing links to other websites’ URLs” as
18 alleged in paragraph 71 of YOUR COMPLAINT.

19 **REQUEST NO. 2**

20 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all oral or written
21 representations, assurances, promises, and/or warranties that YOU allege were made by FACEBOOK
22 to YOU concerning FACEBOOK and/or the FACEBOOK MESSAGES PRODUCT, including but
23 not limited to the “disclosures and statements” upon which YOU relied in using FACEBOOK and/or
24 the FACEBOOK MESSAGES PRODUCT, as alleged in paragraph 71 of YOUR COMPLAINT.

25 **REQUEST NO. 3**

26 All DOCUMENTS evidencing, supporting, and/or otherwise relating to how and when YOU
27 first became aware of FACEBOOK’s alleged conduct referenced in YOUR COMPLAINT.

28

1 **REQUEST NO. 4**

2 All DOCUMENTS evidencing, supporting, and/or otherwise relating to YOUR understanding
3 of how the FACEBOOK MESSAGES PRODUCT operates.

4 **REQUEST NO. 5**

5 All DOCUMENTS referenced or relied upon in YOUR COMPLAINT.

6 **REQUEST NO. 6**

7 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
8 paragraph 3 of YOUR COMPLAINT that “Facebook primarily generates revenue from targeted
9 advertising and the fundamental means of amassing the user data needed for effective targeted
10 advertising is through Facebook’s ‘Like’ function.”

11 **REQUEST NO. 7**

12 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
13 paragraph 25 of YOUR COMPLAINT that “whenever a private message contains a URL, Facebook
14 uses a software application called a ‘web crawler’ to scan the URL, sending HTTP requests to the
15 server associated with the URL and then seeking various items of information about the web page to
16 which the URL is linked.”

17 **REQUEST NO. 8**

18 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
19 paragraph 25 of YOUR COMPLAINT that “[o]n information and belief, Facebook’s interception
20 occurred in transit, in transmission, and/or during transfer of users’ private messages.”

21 **REQUEST NO. 9**

22 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
23 paragraph 41 of YOUR COMPLAINT that “[t]he presence of a Facebook ‘Like’ button on a web
24 page enables Facebook to collect individual users’ data, which it then employs in developing user
25 profiles to support and deliver targeted advertising — whether or not a user affirmatively clicks on
26 the button.”

1 **REQUEST NO. 10**

2 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
3 paragraph 58 of YOUR COMPLAINT that “Facebook misleads users into believing that they have a
4 secure, private mechanism for communication – Facebook’s private messaging function – when, in
5 fact, Facebook intercepts and scans the content of private messages to gather data in an effort to
6 bolster its ‘social plug-in’ network, to improve its marketing algorithms, and to increase its ability to
7 profit from data about Facebook users.”

8 **REQUEST NO. 11**

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

15 **REQUEST NO. 12**

16 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
17 paragraph 91 of YOUR COMPLAINT that “[n]o party to the electronic communications alleged
18 herein consented to Facebook’s interception or use of the contents of the electronic communications.”

19 **REQUEST NO. 13**

20 All DOCUMENTS evidencing, supporting, and/or otherwise relating to YOUR contention
21 that this ACTION is appropriate for class treatment, including but not limited to all DOCUMENTS
22 that support YOUR allegations in paragraphs 59–68 of YOUR COMPLAINT.

23 **REQUEST NO. 14**

24 All DOCUMENTS evidencing, supporting, and/or otherwise relating to any harm and/or
25 damage allegedly suffered by YOU due to the conduct complained of in this ACTION, including but
26 not limited to all DOCUMENTS relating to the specific and/or proximate cause of such harm and/or
27 damage.

28

1 **REQUEST NO. 15**

2 All DOCUMENTS evidencing, supporting, and/or otherwise relating to
3 COMMUNICATIONS between YOU and FACEBOOK.

4 **REQUEST NO. 16**

5 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all statements and/or
6 COMMUNICATIONS between YOU and/or YOUR counsel and any other person and/or entity
7 (including but not limited to all COMMUNICATIONS between YOU and all other putative class
8 members) relating to the ACTION and/or the allegations therein, excluding only privileged
9 COMMUNICATIONS between YOU and YOUR counsel (which must be recorded on a privilege log
10 as provided in the Instructions to these Requests).

11 **REQUEST NO. 17**

12 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all putative class
13 action proceedings in which YOU have been involved, including but not limited to all transcripts,
14 declarations, and affidavits of any testimony provided by YOU in any such action(s), and any
15 judgments and/or court orders in any such action(s).

16 **REQUEST NO. 18**

17 All DOCUMENTS pertaining to this ACTION and/or the allegations in YOUR
18 COMPLAINT that YOU have received from any third party, whether such production was voluntary
19 or by compulsory process.

20 **REQUEST NO. 19**

21 All DOCUMENTS sufficient to identify all PERSONS having a financial interest in the
22 outcome of the ACTION.

23 **REQUEST NO. 20**

24 All DOCUMENTS identified in YOUR initial Rule 26 disclosures, and all supplemental
25 disclosures.

1 **REQUEST NO. 21**

2 All DOCUMENTS evidencing, supporting, and/or otherwise relating to YOUR responses to
3 FACEBOOK's First Set of Interrogatories served in this ACTION, including but not limited to all
4 DOCUMENTS identified in YOUR responses to those Interrogatories.

5 **REQUEST NO. 22**

6 All DOCUMENTS, including but not limited to newspaper articles, media reports, web pages,
7 social media posts, or blog posts that discuss, evidence, support, and/or otherwise relate to the
8 conduct challenged in YOUR COMPLAINT.

9 DATED: January 26, 2015

GIBSON, DUNN & CRUTCHER LLP

10 By: _____ /s/
11 Joshua A. Jessen

12 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 REQUESTS FOR**
6 **PRODUCTION OF DOCUMENTS TO 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
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

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17 *Attorneys for Plaintiffs and the Proposed Class*

18
19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

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

24 Plaintiffs,

25 v.

26 FACEBOOK, INC.,

27 Defendant.

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Case No. C 13-05996 PJH

**PLAINTIFF DAVID SHADPOUR'S
OBJECTIONS AND RESPONSES TO
DEFENDANT FACEBOOK, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION**

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

5
6 **PRELIMINARY STATEMENT**

7 Plaintiff has not completed his discovery in this action and has not completed his
8 preparation for trial. With regard to each Request for Production, Plaintiff reserves the right,
9 notwithstanding these answers and responses, to employ at trial or at any pre-trial proceeding
10 information subsequently obtained or discovered, information the materiality of which is not
11 presently ascertained, or information the Plaintiff does not regard as coming within the scope of
12 the Request for Production as Plaintiff understands them.

13 These responses are made solely for the purpose of this action. Each response is subject
14 to all objections as to competence, relevance, materiality, propriety, admissibility, privacy,
15 privilege, and any and all other objections that would require exclusion of any statement
16 contained here if any such Requests for Production were asked of, or any statement contained
17 here were made by, a witness present and testifying in court, all of which objections and grounds
18 are reserved and may be interposed at the time of trial.

19 Except for explicit facts admitted here, no incidental or implied admissions are intended.
20 Plaintiff's response or objections to any Request for Production or part of a Request for
21 Production are not an admission of any facts set forth or assumed by that Request. In addition,
22 each of Plaintiff's responses to a Request for Production or part of a Request for Production is not
23 a waiver of part or all of any objection he might make to that Request for Production, or an
24 admission that such answer or objection constitutes admissible evidence. All responses provided
25 are based on Plaintiff's present information and belief.

26 **GENERAL OBJECTIONS**

27 A. Plaintiff objects to each of the Requests to the extent it seeks information or
28 documents that are not relevant to a claim or defense of any party in this action nor likely to lead

1 to the discovery of admissible evidence or that is not relevant to the issue of class certification.

2 B. Plaintiff objects to each of the Requests to the extent it is inconsistent with, or
3 seeks to impose obligations in excess of, the Federal Rules of Civil Procedure or the local rules of
4 the United States District Court of the Northern District of California, or any applicable
5 scheduling order, case management order, or other ruling of the court.

6 C. Plaintiff objects to each of the Requests to the extent that they seek information
7 that is protected from discovery by the attorney-client privilege, work product doctrine, or any
8 other lawfully recognized privilege or protection (hereinafter “privileged information”). Any
9 inadvertent disclosure of privileged information is not intended and should not be construed to
10 constitute a waiver, either generally or specifically, with respect to such material or the subject
11 matter thereof.

12 D. Plaintiff objects to each of the Requests to the extent they seek information that is
13 equally available to Defendant or obtainable from another source that is more convenient, less
14 burdensome or less expensive. Plaintiffs further object to each of the Requests to the extent they
15 purport to require Plaintiff to “produce back” to Defendant documents Plaintiff obtains from
16 Defendant. Plaintiff will not produce to Defendant any documents that Plaintiff obtains from
17 Defendant as part of Defendant’s production of documents, unless Plaintiff possesses those
18 documents from a source other than Defendant’s document production during the course of this
19 litigation.

20 E. Plaintiff objects to each of the Requests to the extent it relates to an opinion or
21 contention on the grounds that such discovery requests are premature and inappropriate until after
22 substantial discovery has occurred.

23 F. Plaintiff has not completed his investigation or discovery regarding this matter.
24 Plaintiff expressly reserves the right to supplement, amend, correct, or clarify their responses and
25 objections to the Requests with subsequently obtained or discovered information or documents.

26 G. Plaintiff objects to each Request served by Defendant in this action to the extent it
27 is overly broad, burdensome, oppressive, vague, or generally non-specific so as not to indicate
28 what a full and complete response would be.

1 H. Plaintiff asserts these objections without waiving or intending to waive any
2 objections as to competency, relevancy, materiality, or privilege.

3 Subject to and without waiving the foregoing objections, and incorporating them by
4 reference into each of the responses provided below, Plaintiff responds as follows:

5 **PLAINTIFF'S RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

6 NOW COMES Plaintiff, DAVID SHADPOUR, by and through his attorneys, pursuant to
7 the applicable Federal Rule of Civil Procedure, and for his response to Defendant's First Requests
8 for Production of Documents Propounded on Plaintiff, states as follows:

9 **REQUEST NO. 1**

10 Copies of all messages YOU have sent or received through the FACEBOOK MESSAGES
11 PRODUCT, including but not limited to "messages containing links to other websites' URLs" as
12 alleged in paragraph 70 of YOUR COMPLAINT.

13 **RESPONSE TO REQUEST NO. 1**

14 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
15 to this Request as overbroad insofar as it seeks messages that do not contain URLs, or the content
16 of messages other than URLs, and therefore does not seek information "that is relevant to the
17 claims or defenses of any party" or "reasonably calculated to lead to the discovery of admissible
18 evidence." Fed. R. Civ. P. 26(b)(1). Plaintiff further objects on the grounds that this Request
19 seeks information related to third parties that is violative of rights to privacy firmly established by
20 the Constitutions of both the United States and the State of California. Plaintiff objects insofar as
21 this Request seeks information that is protected by the marital communications privilege. Subject
22 to and without waiving the foregoing objections, Plaintiff will produce any responsive, non-
23 privileged documents in his possession, custody, or control, if any.

24 **REQUEST NO. 2**

25 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all oral or written
26 representations, assurances, promises, and/or warranties that YOU allege were made by
27 FACEBOOK to YOU concerning FACEBOOK and/or the FACEBOOK MESSAGES
28 PRODUCT, including but not limited to the "disclosures and statements" upon which YOU relied

1 in using FACEBOOK and/or the FACEBOOK MESSAGES PRODUCT, as alleged in
2 paragraph 70 of YOUR COMPLAINT.

3 **RESPONSE TO REQUEST NO. 2**

4 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
5 to this Request as overbroad. Plaintiff further objects on the basis that the Request seeks
6 documents from Plaintiff that are already in Defendant's possession. Insofar as the Request seeks
7 documents that will be produced by Defendant, the Request is premature. Subject to and without
8 waiver of the foregoing objections, Plaintiff will produce any responsive, non-privileged
9 documents in his possession, custody, or control, if any.

10 **REQUEST NO. 3**

11 All DOCUMENTS evidencing, supporting, and/or otherwise relating to how and when
12 YOU first became aware of FACEBOOK's alleged conduct referenced in YOUR COMPLAINT.

13 **RESPONSE TO REQUEST NO. 3**

14 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
15 to this Request as overbroad, and as calling for documents subject to the attorney-client privilege
16 and the work-product doctrine. Subject to and without waiver of the foregoing objections,
17 Plaintiff will produce any responsive, non-privileged documents in his possession, custody, or
18 control, if any.

19 **REQUEST NO. 4**

20 All DOCUMENTS evidencing, supporting, and/or otherwise relating to YOUR
21 understanding of how the FACEBOOK MESSAGES PRODUCT operates.

22 **RESPONSE TO REQUEST NO. 4**

23 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
24 to this Request as overbroad. Insofar as the Request seeks documents that will be produced by
25 Defendant, the Request is premature. Plaintiff objects to this Request insofar as it seeks
26 documents that include expert material, and expressly reserves the right to supplement, clarify,
27 revise, or correct this response and to assert additional objections or privileges, in one or more
28 subsequent supplemental response(s) in accordance with the time period for exchanging expert

1 reports set by the Court. Subject to and without waiver of the foregoing objections, Plaintiff will
2 produce any responsive, non-privileged documents in his possession, custody, or control, if any.

3 **REQUEST NO. 5**

4 All DOCUMENTS referenced or relied upon in YOUR COMPLAINT.

5 **RESPONSE TO REQUEST NO. 5**

6 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
7 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
8 documents sought are either publicly available or already in Defendant's possession and control.
9 Plaintiff further objects on the grounds that "relied upon" is overly broad and vague in the context
10 of this Request, as phrased. Plaintiff further objects on the grounds that this Request seeks
11 production of documents that are protected by the attorney-client privilege and the work-product
12 doctrine, including but not limited to communications with consultants who have not been
13 designated as testifying witnesses. Plaintiff objects to this Request insofar as it seeks documents
14 that include expert material, and expressly reserves the right to supplement, clarify, revise, or
15 correct this response and to assert additional objections or privileges, in one or more subsequent
16 supplemental response(s) in accordance with the time period for exchanging expert reports set by
17 the Court. Subject to and without waiver of the foregoing objections, Plaintiff will produce any
18 responsive, non-privileged documents in his possession, custody, or control, if any.

19 **REQUEST NO. 6**

20 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
21 paragraph 3 of YOUR COMPLAINT that "Facebook primarily generates revenue from targeted
22 advertising and the fundamental means of amassing the user data needed for effective targeted
23 advertising is through Facebook's 'Like' function."

24 **RESPONSE TO REQUEST NO. 6**

25 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
26 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
27 documents sought are either publicly available or already in Defendant's possession and control.
28 Insofar as the Request seeks documents that will be produced by Defendant, the Request is

1 premature. Plaintiff further objects on the grounds that “evidencing, supporting, and/or otherwise
2 relating to” is overly broad and vague in the context of this Request, as phrased. Plaintiff further
3 objects on the grounds that this Request seeks production of documents that are protected by the
4 attorney-client privilege and the work-product doctrine, including but not limited to
5 communications with consultants who have not been designated as testifying witnesses. Plaintiff
6 objects to this Request insofar as it seeks documents that include expert material, and expressly
7 reserves the right to supplement, clarify, revise, or correct this response and to assert additional
8 objections or privileges, in one or more subsequent supplemental response(s) in accordance with
9 the time period for exchanging expert reports set by the Court. Subject to and without waiver of
10 the foregoing objections, Plaintiff will produce any responsive, non-privileged documents in his
11 possession, custody, or control, if any.

12 **REQUEST NO. 7**

13 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
14 paragraph 25 of YOUR COMPLAINT that “whenever a private message contains a URL,
15 Facebook uses a software application called a ‘web crawler’ to scan the URL, sending HTTP
16 requests to the server associated with the URL and then seeking various items of information
17 about the web page to which the URL is linked.”

18 **RESPONSE TO REQUEST NO. 7**

19 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
20 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
21 documents sought are either publicly available or already in Defendant’s possession and control.
22 Insofar as the Request seeks documents that will be produced by Defendant, the Request is
23 premature. Plaintiff further objects on the grounds that “evidencing, supporting, and/or otherwise
24 relating to” is overly broad and vague in the context of this Request, as phrased. Plaintiff further
25 objects on the grounds that this Request seeks production of documents that are protected by the
26 attorney-client privilege and the work-product doctrine, including but not limited to
27 communications with consultants who have not been designated as testifying witnesses. Plaintiff
28 objects to this Request insofar as it seeks documents that include expert material, and expressly

1 reserves the right to supplement, clarify, revise, or correct this response and to assert additional
2 objections or privileges, in one or more subsequent supplemental response(s) in accordance with
3 the time period for exchanging expert reports set by the Court. Subject to and without waiver of
4 the foregoing objections, Plaintiff will produce any responsive, non-privileged documents in his
5 possession, custody, or control, if any.

6 **REQUEST NO. 8**

7 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
8 paragraph 25 of YOUR COMPLAINT that “[o]n information and belief, Facebook’s interception
9 occurred in transit, in transmission, and/or during transfer of users’ private messages.”

10 **RESPONSE TO REQUEST NO. 8**

11 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
12 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
13 documents sought are either publicly available or already in Defendant’s possession and control.
14 Insofar as the Request seeks documents that will be produced by Defendant, the Request is
15 premature. Plaintiff further objects on the grounds that “evidencing, supporting, and/or otherwise
16 relating to” is overly broad and vague in the context of this Request, as phrased. Plaintiff further
17 objects on the grounds that this Request seeks production of documents that are protected by the
18 attorney-client privilege and the work-product doctrine, including but not limited to
19 communications with consultants who have not been designated as testifying witnesses. Plaintiff
20 objects to this Request insofar as it seeks documents that include expert material, and expressly
21 reserves the right to supplement, clarify, revise, or correct this response and to assert additional
22 objections or privileges, in one or more subsequent supplemental response(s) in accordance with
23 the time period for exchanging expert reports set by the Court. Subject to and without waiver of
24 the foregoing objections, Plaintiff will produce any responsive, non-privileged documents in his
25 possession, custody, or control, if any.

26 **REQUEST NO. 9**

27 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
28 paragraph 41 of YOUR COMPLAINT that “[t]he presence of a Facebook ‘Like’ button on a web

1 page enables Facebook to collect individual users' data, which it then employs in developing user
2 profiles to support and deliver targeted advertising — whether or not a user affirmatively clicks
3 on the button.”

4 **RESPONSE TO REQUEST NO. 9**

5 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
6 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
7 documents sought are either publicly available or already in Defendant's possession and control.
8 Insofar as the Request seeks documents that will be produced by Defendant, the Request is
9 premature. Plaintiff further objects on the grounds that “evidencing, supporting, and/or otherwise
10 relating to” is overly broad and vague in the context of this Request, as phrased. Plaintiff further
11 objects on the grounds that this Request seeks production of documents that are protected by the
12 attorney-client privilege and the work-product doctrine, including but not limited to
13 communications with consultants who have not been designated as testifying witnesses. Plaintiff
14 objects to this Request insofar as it seeks documents that include expert material, and expressly
15 reserves the right to supplement, clarify, revise, or correct this response and to assert additional
16 objections or privileges, in one or more subsequent supplemental response(s) in accordance with
17 the time period for exchanging expert reports set by the Court. Subject to and without waiver of
18 the foregoing objections, Plaintiff will produce any responsive, non-privileged documents in his
19 possession, custody, or control, if any.

20 **REQUEST NO. 10**

21 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
22 paragraph 58 of YOUR COMPLAINT that “Facebook misleads users into believing that they
23 have a secure, private mechanism for communication – Facebook's private messaging function –
24 when, in fact, Facebook intercepts and scans the content of private messages to gather data in an
25 effort to bolster its ‘social plug-in’ network, to improve its marketing algorithms, and to increase
26 its ability to profit from data about Facebook users.”

27 **RESPONSE TO REQUEST NO. 10**

28 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects

1 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
2 documents sought are either publicly available or already in Defendant's possession and control.
3 Insofar as the Request seeks documents that will be produced by Defendant, the Request is
4 premature. Plaintiff further objects on the grounds that "evidencing, supporting, and/or otherwise
5 relating to" is overly broad and vague in the context of this Request, as phrased. Plaintiff further
6 objects on the grounds that this Request seeks production of documents that are protected by the
7 attorney-client privilege and the work-product doctrine, including but not limited to
8 communications with consultants who have not been designated as testifying witnesses. Plaintiff
9 to this Request insofar as it seeks documents that include expert material, and expressly reserves
10 the right to supplement, clarify, revise, or correct this response and to assert additional objections
11 or privileges, in one or more subsequent supplemental response(s) in accordance with the time
12 period for exchanging expert reports set by the Court. Subject to and without waiver of the
13 foregoing objections, Plaintiff will produce any responsive, non-privileged documents in his
14 possession, custody, or control, if any.

15 **REQUEST NO. 11**

16 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
17 paragraph 89 of YOUR COMPLAINT that "Facebook's practice of intercepting, scanning, and
18 generating 'Likes' from, users' private messages, are not necessary for the rendition of
19 Facebook's private messaging service, the protection of Facebook's rights or property, or the
20 security of Facebook users" and "have not be undertaken in the ordinary course of business of an
21 electronic communication service, as described in 28 U.S.C. § 2510(15)."

22 **RESPONSE TO REQUEST NO. 11**

23 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
24 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
25 documents sought are either publicly available or already in Defendant's possession and control.
26 Insofar as the Request seeks documents that will be produced by Defendant, the Request is
27 premature. Plaintiff further objects on the grounds that "evidencing, supporting, and/or otherwise
28 relating to" is overly broad and vague in the context of this Request, as phrased. Plaintiff further

1 objects on the grounds that this Request seeks production of documents that are protected by the
2 attorney-client privilege and the work-product doctrine, including but not limited to
3 communications with consultants who have not been designated as testifying witnesses. Plaintiff
4 to this Request insofar as it seeks documents that include expert material, and expressly reserves
5 the right to supplement, clarify, revise, or correct this response and to assert additional objections
6 or privileges, in one or more subsequent supplemental response(s) in accordance with the time
7 period for exchanging expert reports set by the Court. Subject to and without waiver of the
8 foregoing objections, see Defendant’s Answer to paragraph 59 of the Consolidated Amended
9 Complaint. Plaintiff will produce any additional responsive, non-privileged documents in his
10 possession, custody, or control, if any.

11 **REQUEST NO. 12**

12 All DOCUMENTS evidencing, supporting, and/or otherwise relating to the allegation in
13 paragraph 91 of YOUR COMPLAINT that “[n]o party to the electronic communications alleged
14 herein consented to Facebook’s interception or use of the contents of the electronic
15 communications.”

16 **RESPONSE TO REQUEST NO. 12**

17 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
18 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
19 documents sought are either publicly available or already in Defendant’s possession and control.
20 Insofar as the Request seeks documents that will be produced by Defendant, the Request is
21 premature. Plaintiff further objects on the grounds that “evidencing, supporting, and/or otherwise
22 relating to” is overly broad and vague in the context of this Request, as phrased. Plaintiff further
23 objects on the grounds that this Request seeks production of documents that are protected by the
24 attorney-client privilege and the work-product doctrine, including but not limited to
25 communications with consultants who have not been designated as testifying witnesses. Subject
26 to and without waiver of the foregoing objections, Plaintiff will produce any responsive, non-
27 privileged documents in his possession, custody, or control, if any.

28

1 **REQUEST NO. 13**

2 All DOCUMENTS evidencing, supporting, and/or otherwise relating to YOUR contention
3 that this ACTION is appropriate for class treatment, including but not limited to all
4 DOCUMENTS that support YOUR allegations in paragraphs 59–68 of YOUR COMPLAINT.

5 **RESPONSE TO REQUEST NO. 13**

6 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
7 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
8 documents sought are either publicly available or already in Defendant’s possession and control.
9 Insofar as the Request seeks documents that will be produced by Defendant, the Request is
10 premature. Plaintiff further objects on the grounds that “evidencing, supporting, and/or otherwise
11 relating to” is overly broad and vague in the context of this Request, as phrased. Plaintiff further
12 objects on the grounds that this Request seeks production of documents that are protected by the
13 attorney-client privilege and the work-product doctrine, including but not limited to
14 communications with consultants who have not been designated as testifying witnesses. Subject
15 to and without waiver of the foregoing objections, Plaintiff will produce any responsive, non-
16 privileged documents in his possession, custody, or control, if any. *See also* Defendant’s Answer
17 to Plaintiffs’ Consolidated Amended Complaint, particularly ¶¶ 2, 27, admitting that Facebook
18 processes users’ messages, ¶ 3, admitting that Facebook has approximately 1.2 billion users, and
19 ¶ 17, admitting that Facebook users agree to uniform terms of service.

20 **REQUEST NO. 14**

21 All DOCUMENTS evidencing, supporting, and/or otherwise relating to any harm and/or
22 damage allegedly suffered by YOU due to the conduct complained of in this ACTION, including
23 but not limited to all DOCUMENTS relating to the specific and/or proximate cause of such harm
24 and/or damage.

25 **RESPONSE TO REQUEST NO. 14**

26 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
27 to this Request in that it is overbroad and unduly burdensome, and in that the documents sought
28 are publicly available or already in Defendant’s possession and control. Insofar as the Request

1 seeks documents that will be produced by Defendant, the Request is premature. Plaintiff further
2 objects to this Request insofar as it seeks documents that include expert material, and expressly
3 reserves the right to supplement, clarify, revise, or correct this response and to assert additional
4 objections or privileges, in one or more subsequent supplemental response(s) in accordance with
5 the time period for exchanging expert reports set by the Court. Plaintiff further objects on the
6 grounds that “evidencing, supporting, and/or otherwise relating to” is overly broad and vague in
7 the context of this Request, as phrased. Plaintiff further objects on the grounds that this Request
8 seeks production of documents that are protected by the attorney-client privilege and the work-
9 product doctrine, including but not limited to communications with consultants who have not
10 been designated as testifying witnesses. Subject to and without waiver of the foregoing
11 objections, Plaintiff will produce any additional responsive, non-privileged documents in his
12 possession, custody, or control, if any.

13 **REQUEST NO. 15**

14 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all
15 COMMUNICATIONS between YOU and FACEBOOK.

16 **RESPONSE TO REQUEST NO. 15**

17 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
18 to this Request in that it is overbroad and unduly burdensome, and in that the documents sought
19 necessarily are already in Defendant’s possession and control. Plaintiff further objects on the
20 grounds that “evidencing, supporting, and/or otherwise relating to” is overly broad and vague in
21 the context of this Request, as phrased. Plaintiff further objects on the grounds that this Request
22 seeks production of documents that are protected by the attorney-client privilege and the work-
23 product doctrine, including but not limited to communications with consultants who have not
24 been designated as testifying witnesses. Subject to and without waiver of the foregoing
25 objections, Plaintiff will produce any responsive, non-privileged documents in his possession,
26 custody, or control, if any.

27 **REQUEST NO. 16**

28 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all statements

1 and/or COMMUNICATIONS between YOU and/or YOUR counsel and any other person and/or
2 entity (including but not limited to all COMMUNICATIONS between YOU and all other putative
3 class members) relating to the ACTION and/or the allegations therein, excluding only privileged
4 COMMUNICATIONS between YOU and YOUR counsel (which must be recorded on a privilege
5 log as provided in the Instructions to these Requests).

6 **RESPONSE TO REQUEST NO. 16**

7 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
8 to this Request in that it is overbroad and unduly burdensome. Plaintiff further objects insofar as
9 this Request seeks documents protected by attorney-client or work-product privilege, including
10 but not limited to communications with consultants who have not been designated as testifying
11 witnesses. Plaintiff further objects on the grounds that “evidencing, supporting, and/or otherwise
12 relating to” is overly broad and vague in the context of this Request, as phrased. Subject to and
13 without waiver of the foregoing objections, Plaintiff will produce any responsive, non-privileged
14 documents in his possession, custody, or control, if any.

15 **REQUEST NO. 17**

16 All DOCUMENTS evidencing, supporting, and/or otherwise relating to all putative class
17 action proceedings in which YOU have been involved, including but not limited to all transcripts,
18 declarations, and affidavits of any testimony provided by YOU in any such action(s), and any
19 judgments and/or court orders in any such action(s).

20 **RESPONSE TO REQUEST NO. 17**

21 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
22 to this Request in that it is overbroad. Plaintiff objects insofar as this Request does not seek
23 information “that is relevant to the claims or defenses of any party” or “reasonably calculated to
24 lead to the discovery of admissible evidence.” Fed. R. Civ. P. 26(b)(1). Plaintiff further objects
25 on the grounds that “evidencing, supporting, and/or otherwise relating to” is overly broad and
26 vague in the context of this Request, as phrased. Plaintiff further objects on the grounds that this
27 Request seeks production of documents that are protected by the attorney-client privilege and the
28 work-product doctrine, including but not limited to communications with consultants who have

1 not been designated as testifying witnesses. Subject to and without waiving the foregoing
2 objections, Plaintiff will produce any responsive, non-privileged documents in his possession,
3 custody, or control, if any.

4 **REQUEST NO. 18**

5 All DOCUMENTS pertaining to this ACTION and/or the allegations in YOUR
6 COMPLAINT that YOU have received from any third party, whether such production was
7 voluntary or by compulsory process.

8 **RESPONSE TO REQUEST NO. 18**

9 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
10 to this Request in that it is overbroad. Plaintiff further objects insofar as this Request does not
11 seek information “that is relevant to the claims or defenses of any party” or “reasonably
12 calculated to lead to the discovery of admissible evidence.” Fed. R. Civ. P. 26(b)(1). Plaintiff
13 further objects on the grounds that “pertaining to” is overly broad and vague in the context of this
14 Request, as phrased. Plaintiff further objects on the grounds that this Request seeks production of
15 documents that are protected by the attorney-client privilege and the work-product doctrine,
16 including but not limited to communications with consultants who have not been designated as
17 testifying witnesses. Plaintiff objects insofar as this Request seeks information that is protected
18 by the marital communications privilege. Subject to and without waiver of the foregoing
19 objections, Plaintiff will produce any responsive, non-privileged documents in his possession,
20 custody, or control, if any.

21 **REQUEST NO. 19**

22 All DOCUMENTS sufficient to identify all PERSONS having a financial interest in the
23 outcome of the ACTION.

24 **RESPONSE TO REQUEST NO. 19**

25 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
26 insofar as this Request does not seek information “that is relevant to the claims or defenses of any
27 party” or “reasonably calculated to lead to the discovery of admissible evidence.” Fed. R. Civ. P.
28 26(b)(1). Plaintiff further objects on the grounds that this Request seeks production of documents

1 that are protected by the attorney-client privilege and the work-product doctrine, including but not
2 limited to communications with consultants who have not been designated as testifying witnesses.
3 Subject to and without waiver of the foregoing objections, Plaintiff will produce any responsive,
4 non-privileged documents in his possession, custody, or control, if any.

5 **REQUEST NO. 20**

6 All DOCUMENTS identified in YOUR initial Rule 26 disclosures, and all supplemental
7 disclosures.

8 **RESPONSE TO REQUEST NO. 20**

9 Plaintiff incorporates and references herein all of the General Objections. Plaintiff further
10 objects on the grounds that this Request seeks production of documents that are protected by the
11 attorney-client privilege and the work-product doctrine, including but not limited to
12 communications with consultants who have not been designated as testifying witnesses. Subject
13 to and without waiver of the foregoing objections, Plaintiff will produce any responsive, non-
14 privileged documents in his possession, custody, or control, if any.

15 **REQUEST NO. 21**

16 All DOCUMENTS evidencing, supporting, and/or otherwise relating to YOUR responses
17 to FACEBOOK's First Set of Interrogatories served in this ACTION, including but not limited to
18 all DOCUMENTS identified in YOUR responses to those Interrogatories.

19 **RESPONSE TO REQUEST NO. 21**

20 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
21 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
22 documents sought are either publicly available or already in Defendant's possession and control.
23 Insofar as the Request seeks documents that will be produced by defendants, the Request is
24 premature. Plaintiff further objects on the grounds that "evidencing, supporting, and/or otherwise
25 relating to" is overly broad and vague in the context of this Request, as phrased. Plaintiff further
26 objects on the grounds that this Request seeks production of documents that are protected by the
27 attorney-client privilege and the work-product doctrine, including but not limited to
28 communications with consultants who have not been designated as testifying witnesses. Plaintiff

1 objects to this Request insofar as it seeks documents that include expert material, and expressly
2 reserves the right to supplement, clarify, revise, or correct this response and to assert additional
3 objections or privileges, in one or more subsequent supplemental response(s) in accordance with
4 the time period for exchanging expert reports set by the Court. Subject to and without waiver of
5 the foregoing objections, Plaintiff will produce any responsive, non-privileged documents in his
6 possession, custody, or control, if any.

7 **REQUEST NO. 22**

8 All DOCUMENTS, including but not limited to newspaper articles, media reports, web
9 pages, social media posts, or blog posts that discuss, evidence, support, and/or otherwise relate to
10 the conduct challenged in YOUR COMPLAINT.

11 **RESPONSE TO REQUEST NO. 22**

12 Plaintiff incorporates and references herein all of the General Objections. Plaintiff objects
13 to this Request in that it is overbroad, duplicative, and unduly burdensome, and in that the
14 documents sought are either publicly available or already in Defendant's possession and control.
15 Plaintiff objects insofar as this Request seeks information that is protected by the marital
16 communications privilege. Subject to and without waiver of the foregoing objections, insofar as
17 this Request for Production seeks documents published prior to the filing of this lawsuit on
18 December 30, 2013, Plaintiff will produce any responsive, non-privileged documents in his
19 possession, custody, or control, if any.

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1 Dated: March 9, 2015

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

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

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Attorneys for Plaintiffs and the Proposed Class

1 **PROOF OF SERVICE**

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 March 9, 2015, I caused to be served copies of the following documents:

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

18 on the following counsel for Defendant Facebook, Inc.:

19 Christopher Chorba
20 Gibson, Dunn & Crutcher LLP
21 333 South Grand Avenue
22 Los Angeles, CA 90071-3197
23 Email: cchorba@gibsondunn.com

24 Joshua Aaron Jessen
25 Gibson Dunn & Crutcher LLP
26 3161 Michelson Drive, Suite 1200
27 Irvine, CA 92612
28 Email: jjessen@gibsondunn.com

Executed on March 9, 2015, at San Francisco, California.

29 /s/ Melissa A. Gardner
30 Melissa A. Gardner