

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

CHANDRA L. THOMPSON, individually  
and on behalf of All Others Similarly  
Situated,

Plaintiffs,

v.

FACEBOOK, INC. and DOES 1 through 10,

Defendants.

Case No. 2:11-cv-04256-NKL

**JOINT MOTION FOR A STAY OF PROCEEDINGS PENDING  
RULING BY JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Plaintiff Chandra L. Thompson and Defendant Facebook, Inc. ("Facebook") (together, the "Parties") hereby jointly move the Court pursuant to Federal Rule of Civil Procedure 6(b)(1) for an Order staying all proceedings and deadlines in this action until thirty (30) days after the Panel on Multidistrict Litigation ("Panel") has issued a ruling on the currently pending motion for coordination or consolidation of this and other actions captioned *In re Facebook Internet Tracking Litigation* (MDL No. 2314) ("MDL Motion"). In support of the joint motion, the Parties state as follows:

1. On September 30, 2011, Plaintiff filed her Class Action Complaint ("Complaint"), alleging that Facebook collected data regarding Facebook users' Internet activity without their consent while those users were logged out of their Facebook accounts. Facebook's current deadline to answer, move to dismiss, or otherwise respond to Plaintiff's Complaint is

November 17, 2011.<sup>1</sup> The parties have not previously sought an extension of any deadline in this action from the Court.

2. Also on September 30, 2011, a highly similar complaint was filed in the Northern District of California, captioned *Davis v. Facebook, Inc.*, No. 11-cv-04834 (“*Davis*”). The plaintiffs in *Davis* also allege that Facebook collected data regarding Facebook users’ Internet activity without their consent while those users were logged out of their Facebook accounts.

3. Since these actions were filed, ten more complaints have been filed in nine other district courts across the United States, all alleging that Facebook collected data regarding Facebook users’ Internet activity without their consent while those users were logged out of their Facebook accounts. The Parties anticipate that other complaints with similar allegations are likely to be filed.

4. On October 17, 2011, plaintiffs in *Davis* filed the MDL Motion to transfer eleven of these actions, including *Davis* and this action, to a single district court for pretrial coordination or consolidation pursuant to 28 U.S.C. Section 1407. (Mot. to Transfer and Consolidate, *In re Facebook Internet Tracking Litig.* (MDL No. 2314 Dkt. No. 1) at 1.) Neither the Plaintiffs in this action nor Facebook will oppose the pretrial coordination or consolidation of these actions. Given the similarities among the eleven actions, the Parties anticipate that the Panel will grant the MDL Motion.

5. Therefore, in light of the high probability that this action will be consolidated with numerous other related actions and/or transferred by the Panel to a different court for resolution, the Parties respectfully submit that a stay of this action would promote efficiency and the interests of justice. A brief stay of this action will avoid the needless expenditure of Court and

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<sup>1</sup> Plaintiffs have agreed to a three-week extension of Facebook’s initial response deadline to allow the Court time to consider and rule upon this motion.

Party resources on initial motion practice and discovery prior to the Panel's ruling on the MDL Motion.

6. The stay is not likely to be overly lengthy. Briefing on the MDL Motion is due to be completed on November 15, 2011 and the MDL Motion is expected to be heard by the Panel at its January 26, 2012 hearing in Miami, Florida.

Accordingly, the parties hereby move the Court for a stay of all proceedings and deadlines in this action until thirty (30) days after the Panel on Multidistrict Litigation rules on the MDL Motion. This stay shall include a continuance of Facebook's deadline to answer, move to dismiss, or otherwise respond to Plaintiff's Complaint.

Dated: October 25, 2011

Respectfully submitted,

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Andrew S. Lyskowski  
Attorneys for Plaintiff  
CHANDRA THOMPSON

/s/ Randall O. Barnes  
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Dated: October 25, 2011

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