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19   UNITED STATES DISTRICT COURT
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20

21

22 UNITED STATES OF AMERICA,

23   Plaintiff,   **Case No. 3:22-cv-3070**

24   v.   **JOINT MOTION FOR ENTRY OF**
                                                    STIPULATED ORDER FOR CIVIL
25 TWITTER, INC., a corporation,   **PENALTY, MONETARY JUDGMENT,**
                                                    AND INJUNCTIVE RELIEF
26   Defendant.

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1   Plaintiff the United States of America, acting upon notification and authorization to the Attorney

2   General by the Federal Trade Commission ("FTC" or "Commission"), filed its Complaint for Civil

3   Penalties, Permanent Injunction, Monetary Relief, and Other Equitable Relief, against Defendant

4   Twitter, Inc. for alleged violations of a 2011 FTC Administrative Order and Section 5 of the FTC Act,

5   15 U.S.C. § 45. *See* ECF No. 1. The parties have resolved all issues in this matter through the attached

6   proposed Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief. Under the

7   terms of the Stipulated Order, Twitter agrees to pay $150 million in civil penalties, reopen the

8   underlying administrative proceedings in FTC Docket No. C-4316 pursuant to Section 3.72(b) of the

9   Commission's Rules of Practice, 16 C.F.R. § 3.72(b), and modify the Decision and Order in *In re*

10 *Twitter, Inc*., C-4316, 151 FTC LEXIS 162 (F.T.C. Mar. 2, 2011) with the Decision and Order set forth

11 in Attachment A to the Stipulated Order, and submit to substantial compliance reporting measures to

12 ensure future compliance with the law.

13   "Because of the unique aspects of settlements, a district court should enter a proposed consent

14 judgment if the court decides that it is fair, reasonable and equitable and does not violate the law or

15 public policy." *Sierra Club, Inc. v. Elec. Controls Design, Inc.*, 909 F.2d 1350, 1355 (9th Cir. 1990)

16 (citing *Citizens for a Better Environment v. Gorsuch*, 718 F.2d 1117, 1125–26 (D.C. Cir. 1983)); *see*

17 *SEC v. Randolph*, 736 F.2d 525, 529 (9th Cir. 1984). In approving a settlement, a court "need not

18 inquire into the precise legal rights of the parties nor reach and resolve the merits of the claims or

19 controversy." *Gorsuch*, 718 F.2d at 1126 (quoting *Metro. Hous. Dev. Corp. v. Vill. Of Arlington*

20 *Heights*, 616 F.2d 1006, 1014 (7th Cir. 1980)). Rather, "[a]s long as the consent decree comes within

21 the general scope of the case made by the pleadings, furthers the objectives upon which the law is based,

22 and does not violate the statute upon which the complaint was based, the parties' agreement may be

23 entered by the court." *Sierra Club*, 909 F.2d at 1355 (quoting *Loc. No. 93, Int'l Ass'n of*

24 *Firefighters, AFL-CIO C.L.C. v. City of Cleveland*, 478 U.S. 501, 525–26 (1986) (quoting *Pacific R. Co.*

25 *v. Ketchum,* 101 U.S. 289, 297 (1880))) (alterations and internal quotation marks omitted).

26   The Stipulated Order is fair, reasonable, and equitable. It addresses the concerns giving rise to

27 the Complaint by modifying the administrative order to require Twitter to undertake multiple measures

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1 that will improve its protection of consumer data. These measures include prohibiting

2 misrepresentations about the extent to which the company protects the privacy of its users' nonpublic

3 contact information, including any misrepresentations about its use of such information, and requiring

4 Twitter to implement a comprehensive privacy and information security program with extensive

5 procedures to safeguard user information and assess internal and external data privacy risks. To afford

6 consumers these protections as soon as possible, the parties respectfully jointly request that the Court

7 promptly effectuate this resolution and enter the proposed Stipulated Order.

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Dated: May 25, 2022	Respectfully submitted,
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