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**DiCELLO LEVITT GUTZLER LLC**  
David A. Straite (admitted *pro hac vice*)  
60 East 42nd Street, Suite 2400  
New York, New York 10165  
Tel.: (646) 933-1000  
*dstraite@dicellolevitt.com*

Amy E. Keller (admitted *pro hac vice*)  
Ten North Dearborn Street, 6th Fl.  
Chicago, Illinois 60602  
Tel.: (312) 214-7900  
*akeller@dicellolevitt.com*  
  
*Counsel for Plaintiffs*

**GRYGIEL LAW LLC**  
Stephen G. Grygiel (admitted *pro hac vice*)  
301 Warren Avenue, Suite 405  
Baltimore, MD 21230  
Tel.: (407) 505-9463  
*sgrygiel@silvermanthompson.com*

**SIMMONS HANLY CONROY LLC**  
Jason ‘Jay’ Barnes (admitted *pro hac vice*)  
112 Madison Avenue, 7th Floor  
New York, NY 10016  
Tel.: (212) 784-6400  
Fax: (212) 213-5949  
*jaybarnes@simmonsfirm.com*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Case No. 5:12-MD-2314-EJD

IN RE FACEBOOK INTERNET  
TRACKING LITIGATION

**NOTICE OF MOTION AND MOTION FOR  
CERTIFICATION OF SETTLEMENT  
CLASS AND PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT  
PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 23(e)(1); AND APPROVING  
FORM AND CONTENT OF CLASS NOTICE,  
WITH SUPPORTING MEMORANDUM OF  
POINTS AND AUTHORITIES**

Judge: Hon. Edward J. Davila  
Courtroom 4, 5<sup>th</sup> Floor  
Hearing Date: March 31, 2022  
Time: 9:00 a.m.

THIS DOCUMENT RELATES TO  
ALL ACTIONS

**NOTICE OF MOTION AND MOTION****TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on March 31, 2022, at 9:00 a.m. in Courtroom 4 of the United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South First Street, San Jose, California 95113, the Honorable Edward J. Davila presiding, the Lead Plaintiffs<sup>1</sup> will, and hereby do, move for an Order pursuant to Rule 23 of the Federal Rules of Civil Procedure (“Rule 23”): (i) preliminarily approving the proposed Settlement and Settlement Agreement (“Agreement” or “Agr’t”); (ii) certifying a class for settlement purposes; (iii) approving the form and manner of notice to the Settlement Class; (iv) approving the selection of the Settlement Administrator; and (iv) scheduling a Final Fairness Hearing before the Court.

The proposed Settlement provides two forms of relief for the proposed Settlement Class: injunctive relief and monetary relief. For the *injunctive relief*, Defendant Meta Platforms, Inc., formerly Facebook, Inc. (“Meta” or “Defendant”) has agreed to sequester and delete all data that Plaintiffs alleged was wrongfully collected during the Settlement Class Period. For the *monetary relief*, the proposed Settlement also establishes a fully non-reversionary Settlement Fund of **\$90 million**. The Settlement, if approved, will also resolve a parallel class action in California State Court.

This Motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities set forth below, the accompanying Joint Declaration of David A. Straite and Stephen G. Grygiel in Support of Plaintiffs’ Motion for Preliminary Approval of Proposed Settlement dated February 14, 2022 (“Joint Declaration”), and its attached exhibits (including the Settlement Agreement dated February 14, 2022 and its attached exhibits and appendices), the pleadings and records on file in this Action, and other such matters and argument as the Court may consider at the hearing of this motion.

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<sup>1</sup> All capitalized words are defined in Settlement Agreement, unless otherwise defined herein.

**STATEMENT OF ISSUES TO BE DECIDED**

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1. Whether the proposed Settlement is within the range of fairness, reasonableness and adequacy as to warrant: (a) the Court’s preliminary approval; (b) certification of a Settlement Class for settlement purposes; (c) the dissemination of Notice of the Settlement’s terms to Settlement Class Members; and (d) setting a hearing date for final approval of the Settlement as well as motions or other applications for Fees and Expense Award and for Service Awards;
2. Whether the proposed forms of Notice and Notice Plan adequately inform Settlement Class Members of the terms of the Settlement and their rights with respect to the Settlement;
3. Whether the selection of Angeion Group as Settlement Administrator should be approved;
4. Whether the proposed distribution of the Settlement Fund should be preliminarily approved; and
5. Whether the Claim Form and Opt-Out Forms are sufficient.

**TABLE OF CONTENTS**

1 I. INTRODUCTION AND SUMMARY OF ARGUMENT ..... 1

2 II. SUMMARY OF THE LITIGATION ..... 2

3 III. MEDIATION ..... 4

4 IV. THE PROPOSED SETTLEMENT ..... 4

5 V. ARGUMENT ..... 5

6 A. Legal Requirements for Preliminary Settlement Approval..... 5

7 B. Conditional Certification of the Settlement Class and Re-Appointment of Class

8 Counsel is Warranted ..... 7

9 1. Rule 23(a)’s Requirements Are Met ..... 8

10 2. Rule 23(b)’s Test is Met..... 10

11 C. Preliminary Approval of the Proposed Settlement Should be Granted..... 11

12 1. Proposed Settlement Results from Arms-Length, Non-Collusive

13 Negotiated Resolution ..... 12

14 a. Proposed Settlement is Product of Mediator’s Proposal and is

15 Supported by Experienced Counsel..... 12

16 b.The Stage of the Proceedings, and the Discovery Completed

17 Support Preliminary Settlement Approval..... 14

18 2. Procedural Guidance Factors for Class Action Settlements are Satisfied..... 14

19 a. Guidance 1: Differences, Range and Plan of Allocation ..... 15

20 i. Guidance 1a.-d.: Differences in the Proposed Settlement Class

21 and the Class Proposed in the SAC..... 15

22 ii. Guidance 1e: The Proposed Settlement Provides a Favorable

23 Recovery and Falls Within the Range of Approvability ..... 16

24 iii. Guidance 1f.-g.: Allocation Plan Merits Preliminary Approval..... 17

25 b.Guidance 2: The Proposed Settlement Administrator ..... 18

26 c.Guidance 3: Proposed Notices to Settlement Class are Approvable ..... 19

27 d. Guidance 4 and 5: Opt-Outs and Objections..... 21

28 e. Guidance 6: The Anticipated Attorneys’ Fees and Expenses Request ..... 21

f. Guidance 7: The Proposed Settlement and Proposed Service Awards Do Not Unjustly Favor any Class Members, including Named Plaintiffs ..... 22

1  
2  
3  
4  
5  
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11  
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14  
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16  
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21  
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23  
24  
25  
26  
27  
28

g. Guidance 8: Cy Pres Recipients..... 24

h. Guidance 9: Proposed Timeline..... 24

i. Guidance 10: Class Action Fairness Act..... 25

j. Guidance 11: Past Distributions..... 25

VI. CONCLUSION.....25

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