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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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TRACKING LITIGATION

THIS DOCUMENT RELATES TO
ALL ACTIONS

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

**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, 5th Floor
Hearing Date: March 31, 2022
Time: 9:00 a.m.

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 Plaintiffs¹ 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.

¹ All capitalized words are defined in Settlement Agreement, unless otherwise defined herein.

STATEMENT OF ISSUES TO BE DECIDED

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.

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