

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

<p>IN RE: FACEBOOK, INC. CONSUMER PRIVACY USER PROFILE LITIGATION</p>	<p>MDL No. 2843 Case No. 18-md-02843-VC</p>
<p>This document relates to: <i>ALL ACTIONS</i></p>	<p><b>PRETRIAL ORDER NO. 40: ORDER APPOINTING SPECIAL DISCOVERY MASTER</b></p>


Pursuant to Rule 53(a) and with the consent of the parties, Daniel Garrie of JAMS is appointed as the special discovery master in this case. For any discovery dispute, the parties must first make a good faith effort to resolve it, and if necessary they may seek the assistance of mediator Gail Andler (along with Mr. Garrie, who shall also continue in his role as mediator). If the parties are unable to resolve their dispute informally, they may present it to Mr. Garrie in accordance with an expedited protocol that he establishes, and he will issue a ruling. Mr. Garrie's fees and reasonable expenses relating to his duties as special master shall be allocated as follows: 50 percent to be paid by the plaintiffs and 50 percent to be paid by the defendants. Mr. Garrie may shift fees if a party seeks such relief and shows good cause.

As agreed by the parties, Mr. Garrie's rulings may only be appealed to Judge Corley, and her ruling may not be appealed to the district judge. Any party wishing to appeal a ruling by Mr. Garrie must file a notice with Judge Corley no more than seven days following the issuance of Mr. Garrie's ruling. The notice must, in no more than one sentence, indicate which portion or portions of the ruling the party is appealing. The notice may not contain any argument, and no

further written submissions shall be made to Judge Corley; she will decide the appeal based on the materials submitted to Mr. Garrie. The appeal notice shall attach all briefs and exhibits submitted to Mr. Garrie by both sides in connection with the dispute, in chronological order.

**IT IS SO ORDERED.**

Dated: July 20, 2021

  
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VINCE CHHABRIA  
United States District Judge