

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843

Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**PRETRIAL ORDER NO. 30: DENYING
FACEBOOK'S REQUEST TO PHASE
DISCOVERY**

Largely for the reasons discussed in the plaintiffs' supplemental brief, the Court will adopt a pretrial schedule in which the plaintiffs' motion for class certification will be adjudicated prior to motions for summary judgment, with no phasing of discovery. The schedule will largely track the plaintiffs' proposal at Appendix A to their supplemental brief. The Court will issue a scheduling order separately.


The fact that the motion for class certification will be adjudicated prior to motions for summary judgment does not, of course, preclude Facebook from conducting discovery relating to the named plaintiffs. This is especially true as it relates to standing, typicality, and adequacy, because the named plaintiffs may not obtain class certification without clearing these hurdles. But efforts to conduct specific discovery relating to the named plaintiffs will not be permitted to delay the discovery the plaintiffs seek – in particular, discovery regarding Facebook's general practices and policies relating to the ability of third parties to obtain information about users through users' friends, as well as Facebook's efforts to restrict the use of that information. The plaintiffs are correct that, particularly to the extent Facebook cannot identify information in this

category that relates specifically to the named plaintiffs, the best way to assess the merits and to determine whether class certification is appropriate is almost certainly to conduct discovery on Facebook's general practices.

The case management conference scheduled for December 19, 2019, is continued to January 8, 2020, at 1:30 p.m. A joint case management statement is due January 2, 2020. If the parties determine, in light of this order and the upcoming scheduling order, that a case management conference is not necessary at that time, they may file a stipulated request to continue it.

IT IS SO ORDERED.

Dated: December 4, 2019



VINCE CHHABRIA
United States District Judge