

## **EXHIBIT 23**

JAMES C. SQUIRES - September 20, 2011

Page 1

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 ANGEL FRALEY; PAUL WANG; SUSAN  
6 MAINZER; JAMES H. DUVAL, a minor,  
7 by and through JAMES DUVAL, as  
8 Guardian ad Litem; and WILLIAM  
9 TAIT, a minor, by and through  
10 RUSSELL TAIT, as guardian ad Litem;  
11 individually and on behalf of all  
12 others similarly situated,

13 Plaintiffs,

14 vs.

No. 11-CV-01726 LHK  
(PSG)

15 FACEBOOK, INC., a corporation; and  
16 DOES 1-100,

17 Defendants.  
18 \_\_\_\_\_ /

19 DEPOSITION OF FACEBOOK, INC., THROUGH ITS DESIGNEE

20 JAMES C. SQUIRES

21 TUESDAY, SEPTEMBER 20, 2011

22 \* H I G H L Y C O N F I D E N T I A L \*

23 PORTIONS OF THIS DEPOSITION MAY BE DESIGNATED AS  
24 "CONFIDENTIAL" OR "HIGHLY CONFIDENTIAL" PURSUANT TO  
25 COURT ORDER

Reported By: MARK W. BANTA, CSR #6034

Tooker & Antz  
Court Reporting & Video Services  
350 Sansome Street, Suite 700  
San Francisco, California 94104  
415-392-0650 Fax 415-392-3897

TOOKER & ANTZ COURT REPORTING & VIDEO SERVICES  
(415) 392-0650

1 Q. Okay. And then on number 6, this is request for  
2 admission, set number 1, request number 6: Facebook  
3 denies that Sponsored Stories are advertisements to  
4 members. Would you agree with that? They're just not  
5 advertisements period, right?

6 A. Sponsored Stories are not ads, yes.

7 Q. So however we say Sponsored Stories are  
8 advertisements, they're not?

9 A. Yes. Sponsored Stories are not ads.

10 Q. To members, to advertisers, or anybody else?  
11 Correct?

12 A. I'm not -- I'm not sure what that distinction  
13 is.

14 Q. I'm not, either.

15 A. Okay.

16 Q. I'm just, you know, trying to... trying to  
17 engage in a discussion about that.

18 A. Um-hmm.

19 Q. So let me ask that question again. Basically,  
20 Sponsored Stories are not advertisements, period?  
21 Correct?

22 A. Yes.

23 Q. Okay. Now, you would expect members --

24 Could I have Exhibit 11, please? Let's go to  
25 Exhibit 331.

## 1 CERTIFICATE OF DEPOSITION OFFICER - FEDERAL

2 I, MARK W. BANTA, duly authorized to administer  
3 oaths hereby certify that at the commencement of the  
4 deposition, the witness stated he or she would testify  
5 the truth, the whole truth, and nothing but the truth in  
6 the within-entitled cause; that said deposition was taken  
7 at the time and place therein stated; that the testimony  
8 of the said witness was reported by me and thereafter  
9 transcribed by me or under my direction; that the  
10 foregoing is a full, complete and true record of said  
11 testimony; and that the deponent or a party requested  
12 review of the deposition and that the deponent was given  
13 an opportunity to review the deposition.

14 I further certify that I am not of counsel or  
15 attorney for either or any of the parties in the  
16 foregoing deposition and caption named, or in any way  
17 interested in the outcome of the cause named in said  
18 caption.

19 \_\_\_\_\_  
20 MARK W. BANTA, CSR 6034

21 \_\_\_\_\_  
22 DATE OF CERTIFICATION  
23  
24  
25

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3 SAN JOSE DIVISION  
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19 VOLUME II, PAGES 260 - 472

20 DEPOSITION OF FACEBOOK, INC., THROUGH ITS DESIGNEE

21 JAMES C. SQUIRES

22 FRIDAY, OCTOBER 14, 2011

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1 running, but I'm going to turn it off. I'm going to  
2 close the window.

3 So this is, as best I can make it, a most  
4 natural experience on Facebook. If there are other  
5 settings that you're aware of, please let me know and we  
6 can adjust for that. Okay.

7 Can you please tell me what you see on this page  
8 in terms of what type of Facebook page it is be it a home  
9 page or profile page or some other official name that  
10 Facebook gives it.

11 A. I describe this as the home page, Facebook.com.

12 Q. Okay. What I would like you to do is go to the  
13 privacy settings. Do you know where the privacy settings  
14 are on a Facebook page?

15 A. I know where the privacy settings for our  
16 Facebook account are.

17 Q. Can you show me where the privacy settings for a  
18 Facebook account are?

19 A. (Complies.)

20 Q. So you've gone to the privacy settings, I see.  
21 And on these privacy settings, can you show me where you  
22 can choose not to appear in Sponsored Stories?

23 A. There... there isn't a single click global  
24 opt-out. Sponsored Stories are an extension of the News  
25 Feed, so all of your controls for what appears in the

1 News Feed is -- also control what appears in Sponsored  
2 Stories.

3 Q. So on this page, is there a combination of  
4 settings that will prevent my appearance in Sponsored  
5 Stories?

6 A. There are different types of content that  
7 appears in the News Feed. We would need to go content --  
8 content by content to talk about the settings.

9 On this page there is an apps settings that is  
10 immediately apparent. App stories are part of the News  
11 Feed and part of Sponsored Stories, so that is one  
12 control that you would use for the News Feed and for  
13 Sponsored Stories.

14 Q. So if I'm a user and I want to not appear in a  
15 sponsored story that gets boosted by an action in an app,  
16 this is where I would go for that?

17 A. This is one of the settings that would -- that  
18 you would apply there.

19 Q. So there are more settings than -- more settings  
20 than just this one to prevent myself from appearing in an  
21 app-sponsored story?

22 A. There are multiple opportunities throughout the  
23 Facebook site to... to decide and limit who sees the  
24 actions and content that you're... that you're -- you're  
25 providing.

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2 I, MARK W. BANTA, duly authorized to administer  
3 oaths Pursuant to Section 2093(b) of the California Code  
4 of Civil Procedure, hereby certify that at the  
5 commencement of the deposition, the witness stated he or  
6 she would testify the truth, the whole truth, and nothing  
7 but the truth in the within-entitled cause; that said  
8 deposition was taken at the time and place therein  
9 stated; that the testimony of the said witness was  
10 reported by me and thereafter transcribed by me or under  
11 my direction; that the foregoing is a full, complete and  
12 true record of said testimony; and that the witness was  
13 given an opportunity to read and correct said deposition  
14 and to subscribe the same.

15 I further certify that I am not of counsel or  
16 attorney for either or any of the parties in the  
17 foregoing deposition and caption named, or in any way  
18 interested in the outcome of the cause named in said  
19 caption.

20  
21 \_\_\_\_\_  
22 MARK W. BANTA, CSR 6034

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24 DATE OF CERTIFICATION  
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