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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 ANGEL FRALEY; PAUL WANG; SUSAN
20 MAINZER; JAMES H. DUVAL, a minor,
21 by and through JAMES DUVAL, as
22 Guardian ad Litem; and W.T., a minor, by
23 and through RUSSELL TAIT, as Guardian
24 ad Litem; individually and on behalf of all
25 others similarly situated,

26 Plaintiffs,

27 v.

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

Defendants.

Case No. 11-CV-01726 RS

**DECLARATION OF
JONATHAN M. JAFFE IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND
COSTS AND CLASS
REPRESENTATIVES'
SERVICE AWARDS**

Courtroom: 3
Judge: Hon. Richard Seeborg
Date: June 28, 2013
Time: 10:30 a.m.

1 I, Jonathan M. Jaffe, hereby state and declare:

2 1. I am an attorney licensed to practice before all the courts of the State of California as
3 well as the Northern District of California, and am one of the attorneys for Plaintiffs herein. I
4 have personal knowledge of the facts stated in this declaration, and if called upon to testify,
5 could and would competently testify thereto. I make this Declaration in support of Plaintiffs'
6 Motion for Attorneys' Fees and Costs And Class Representatives' Service Awards.

7 2. Attached hereto as Exhibit 1 is a copy of my curriculum vitae.

8 3. Prior to becoming an attorney, I worked with Information Technology departments at
9 over 40 companies during the past 17 years, the prior 13 of which have been generally as a
10 security consultant, designing and building security systems.

11 4. I have extensive experience in the field of integrated Internet application and system
12 design. I design and implement Internet-based data and security systems for corporations
13 globally. I have done this mainly as an independent consultant since 1999, and have worked
14 in Information Technology full-time since 1993.

15 5. The systems I design and implement range from corporate messaging systems, web
16 applications, security databases, directories, access control systems, identity management
17 systems, email systems, and others.

18 6. I have consulted on several class action cases as to computer systems as well as
19 electronic discovery, including a suit in Los Angeles Superior Court against an Internet-based
20 legal services company, LegalZoom.com, and Northern District of California case against
21 Wells Fargo Bank. Both of those cases have or are in the process of being concluded by way
22 of settlement.

23 7. I have been actively and personally involved in the litigation of this matter since its
24 inception, to the point of consumption. This includes (1) identifying, researching and
25 developing the legal theories of this matter, (2) frequently meeting and working with the class
26 representatives to respond to a heavy load of discovery, and keeping them informed of the
27

1 status of the case, (3) intimately participating in the research and drafting of all pleadings,
2 discovery and briefs, (4) managing the entire process of electronic discovery, (6) reviewing all
3 discovery produced by Facebook, which to date has been over 169,000 pages of documents
4 (5) developing all aspects of Plaintiffs' legal strategy, (6) participating in nearly ever
5 settlement discussion and negotiation, (7) preparing a large proportion of Plaintiffs' mediation
6 brief of over 230 pages, (8) regularly communicating with opposing lawyers on all aspects of
7 this case, throughout the entire case, (9) conducting and participating in near-daily meetings
8 the plaintiff team to develop for the entire length of this case, currently at one year and five
9 months, (10) preparing and defending all depositions of Plaintiffs, including former Plaintiff
10 Angel Fraley, (11) locating and preparing expert witnesses, (12) preparing and deposing of all
11 Facebook witnesses, including expert witnesses, (13) appearing as co-counsel at each
12 appearance before this Court, with the exception of one discovery hearing, (14) managing my
13 co-counsel and their staff, and (11) in general obsessing about every detail of this case. I have
14 spent an excessive amount of time on this case at the expense of other opportunities that
15 would have paid for each hour worked.

16 8. I have personally worked with all the current and former plaintiffs in this case during
17 every aspect of their involvement.

18 9. Mr. Duval and his family have devoted at least 55 hours staying informed, preparing
19 for and being deposed, and responding to Facebook's discovery requests, including at least
20 114 requests for admissions, 25 interrogatories and 54 requests for production. Mr. Duval's
21 parents were deposed on a separate occasion from him.

22 10. Ms. Mainzer has devoted at least 25 hours staying informed, preparing for and being
23 deposed, and responding to Facebook's discovery requests, including at least 115 requests for
24 admissions, 25 interrogatories and 54 requests for production. She is self-employed in the
25 field of public relations, thus, any time she spent on this case was at the expense of her time
26 spent working for her clients.

1 11. W.T. and his father have devoted at least 77 hours staying informed, preparing for and
2 being deposed, and responding to Facebook's discovery requests, including at least 114
3 requests for admissions, 25 interrogatories and 54 requests for production. This time includes
4 the time spent away from their normal schedule while traveling from Redondo Beach, CA to
5 be deposed. Both W.T. and his father were deposed on different occasions.

6 12. In December 2011, Facebook moved the Court for attorney fees in a case also based on
7 Ca. Civ. Code § 3344, *David Cohen v. Facebook*, Los Angeles County Superior Court No. BC
8 444482 (consolidated with BC 454799) where Facebook won on its motion to dismiss with
9 prejudice under the Children's Online Privacy Protection Act, or COPPA, 15 U.S.C. §6502 on
10 preemption grounds. Facebook then moved the Court for over \$700,000 in fees and costs.

11 13. Facebook propounded this request for admission to all three Plaintiffs:

12
13 Admit that YOU are aware that, if FACEBOOK is deemed the prevailing party in
14 this lawsuit, the Court may find that YOU are legally obligated to satisfy, in whole or
15 in part, a judgment awarding reasonable attorneys' fees and costs to FACEBOOK.


16 14. In the face of the threat by Facebook that Plaintiffs may be legally obligated to pay
17 attorneys fees, they still chose to move ahead with the case.

18 15. I billed a total of 2029.90 hours in this case. My time in this case, as broken out in the
19 summary of my attorney hours in Exhibit 7, by topic, are 1) Memoranda & Research (416.20
20 hours), 2) Discovery, Document Review & Organization (443.80 hours), 3) Strategy Meetings,
21 Communication & Working Groups with Own Counsel (95.30), 4) Correspondence with Class
22 Representative (17.30hours), 5) Correspondence with Experts/Others (64.80 hours), 6)
23 Depositions, Exhibits, & Relevant Preparations (411.70 hours), 7) Motions, Orders & Relevant
24 Preparations (377.40 hours), 8) Court Appearances & Relevant Preparations (101.50 hours), 9)
25 Mediation, Settlement & Relevant Preparations (39.70 hours), and 10) Correspondence with
26 Defendants, Meet and Confer & Relevant Preparations (62.20 hours)

1 16. My billing rate is \$425 an hour.

2 17. I coordinated frequently with co-counsel The Arns Law Firm to ensure that there was
3 little to no duplication of effort as to the tasks we performed. I also reviewed my own hours
4 and exercised billing discretion to reduce time where I determined that the hours were
5 unproductive. I kept track of the vast majority my time on a contemporaneous basis, while a
6 handful of hours were re-created using e-mails and other indicia.

7 I declare under the penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct, and that if called upon to testify, I could verify the
9 accuracy of the same. This document was executed on December 20, 2012 in Berkeley,
10 California.

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12 _____

13 Jonathan M. Jaffe
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Cornell, Cindy

From: ECF-CAND@cand.uscourts.gov
Sent: Friday, December 21, 2012 12:24 PM
To: efilings@cand.uscourts.gov
Subject: Activity in Case 3:11-cv-01726-RS Fraley et al v. Facebook, Inc. Declaration in Support

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered by Arns, Robert on 12/21/2012 at 12:24 PM PST and filed on 12/21/2012

Case Name: Fraley et al v. Facebook, Inc.
Case Number: [3:11-cv-01726-RS](#)
Filer: James H Duval
Susan Mainzer
William Tait

Document Number: [256](#)

Docket Text:

Declaration of JONATHAN M. JAFFE in Support of [253] MOTION for Attorney Fees AND MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND COSTS AND CLASS REPRESENTATIVES' SERVICE AWARDS filed by James H Duval, Susan Mainzer, William Tait. (Attachments: # (1) Exhibit 1)(Related document(s)[253]) (Arns, Robert) (Filed on 12/21/2012)

3:11-cv-01726-RS Notice has been electronically mailed to:

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3:11-cv-01726-RS Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:JMJ Declaration.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=12/21/2012] [FileNumber=9219737-0]
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0aeb63be187dc8a11d959db585669a7c91147bd684ab0f1629e79b70db7f]]

Document description:Exhibit 1

Original filename:JMJ Declaration Exhibit 1.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=12/21/2012] [FileNumber=9219737-1]
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