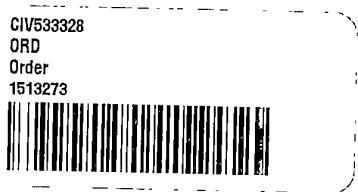


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FILED
SAN MATEO COUNTY

NOV 27 2018

~~Clerk of the Superior Court~~
~~DEPUTY CLERK~~

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

SIX4THREE LLC,

Plaintiff,

vs.

FACEBOOK INC., et al.

Defendants.

Case No. CIV533328

**ORDER AND NOTICE OF HEARING
CONCERNING MATTERS SUBJECT TO
THIS COURT'S SEALING AND
PROTECTIVE ORDERS AND ORDER
ISSUED NOVEMBER 20, 2018**

Assigned for All Purposes to
Hon. V. Raymond Swope, Dept. 23

Hearing Date: Friday, November 30, 2018
Hearing Time: 2:00 p.m.
Dept.: 23

Action Filed: April 10, 2015

On November 19 and 20, 2018, the Court received emails from counsel for both plaintiff SIX4THREE, LLC ("Plaintiff" or "Six4Three") and defendant FACEBOOK, INC. ("Defendant" or "Facebook") pertaining to Defendant's ex parte application for expedited briefing on a motion for sanctions and contempt ("Defendant's Ex Parte") and the imminent release of unredacted, sealed documents by Plaintiff's principal Theodore Kramer to the United Kingdom, House of Commons, Digital, Culture, Media and Sport Committee.

On November 19, 2018, the Court set a briefing schedule on Defendant's Ex Parte by email, and on November 20, 2018, the Court issued an Order for Briefing and Staying Submission of Unredacted Copies of Sealed Documents ("Order").

1 On November 21, 2018, at 6:30 a.m. and 7:33 a.m., the Court received emails from Plaintiff's
2 counsel David Godkin and on November 23, 2018, at 8:14 p.m., the Court received an email from
3 Defendant's counsel Laura E. Miller. These emails pertain to the subject matter of the Order.

4 On November 26, 2018, the Court received Plaintiff's Response to the Order at 11:35 a.m.
5 ("Plaintiff's Response"), Defendant's Ex Parte at 11:55 a.m., and Plaintiff's response to Defendant's
6 Ex Parte at 4:46 p.m.

7 On November 27, 2018 at 8:52 a.m, the Court received an email from Defendant pertaining
8 to Plaintiff's Response.

9 In his declaration in support of Plaintiff's Response, Mr. Kramer admits he produced
10 documents subject to the Sealing and Protective Orders from a DropBox account and in violation of
11 the Order. (Kramer Dec. ISO Plaintiff's Response, filed Nov. 26, 2018, ¶ 18.) Mr. Kramer admits
12 he "do[es] not recall the exact files [he] transferred" and further destroyed evidence of the transferred
13 files by deleting all documents from his DropBox account on the advice of counsel. (*Id.* at ¶¶ 18,
14 24.)

15 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED as follows:

16 All counsel of record and the parties, including Plaintiff's principal Theodore Kramer, shall
17 appear in person for hearing on Friday, November 30, 2018 at 2:00 p.m. in Department 23. No
18 telephonic appearances are permitted.

19 The parties and counsel shall be prepared to discuss the sealing and protective orders, the
20 Defendant's ex parte application and the Order issued November 20, 2018.

21 Plaintiff, its counsel, and Theodore Kramer, are ordered to not tamper, modify, delete or
22 destroy any files, folders, notes, messages, phone logs, emails, correspondence, and/or documents

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1 related to this litigation or the Order. This order extends to those stored physically, on computer, on
2 mobile device, on server, in the cloud, on file-sharing programs or apps, or in any other physical or
3 virtual form.

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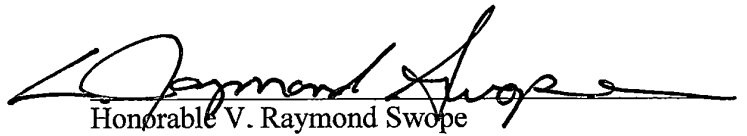
5 IT IS SO ORDERED.

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7 DATED: November 27, 2018

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Honorable V. Raymond Swope
Judge of the Superior Court

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