

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843

Case Nos. 18-md-02843-VC, 19-cv-
04591-VC

ROBERT ZIMMERMAN and UXOR
PRESS,

Plaintiffs,

v.

FACEBOOK, INC. et al.

Defendants

**PRETRIAL ORDER NO. 29:
REGARDING ZIMMERMAN V.
FACEBOOK**


The Court is in receipt of the case management statement and supplemental statement filed by plaintiff Robert Zimmerman. As this Court has already determined, many or most of the claims in Zimmerman's complaint overlap substantially with the claims asserted in the MDL. *See* Pretrial Order No. 24, Dkt. 320. But Zimmerman's complaint also contains allegations that appear unrelated to the MDL proceedings – in particular, that Facebook wrongfully blocked his access to his Facebook accounts. The Court will therefore give Zimmerman a choice. Zimmerman may choose to dismiss without prejudice all claims that overlap with the subject of the MDL, and proceed against Facebook solely on claims related to the blocking of his accounts. This would mean that Zimmerman could litigate these claims now, and separately from the MDL, while allowing him to be represented as a class member by lead plaintiffs' counsel (assuming a class is certified) in the MDL on the claims he dismisses without prejudice.

Alternatively, Zimmerman can choose not to dismiss the overlapping claims in his lawsuit, in which case his case will be treated like all the other cases in the MDL. Under this second scenario, Zimmerman's distinct claims regarding the blocking of his accounts would be stayed pending resolution of the prioritized claims in this MDL, which are being litigated by lead plaintiffs' counsel. *See* Pretrial Order No. 20, Dkt. 298 ("All . . . claims not addressed by this ruling will be stayed . . . and adjudicated, if necessary, at a later stage in the proceedings with the other non-prioritized claims.").

Zimmerman must understand that, contrary to his apparent understanding as expressed in his filings, the MDL is now significantly broader than allegations relating to Cambridge Analytica. Zimmerman must file a letter within 28 days of this order explaining which option he selects.

IT IS SO ORDERED.

Dated: November 13, 2019



VINCE CHHABRIA
United States District Judge