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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 **UNITED STATES OF AMERICA,**

22 **Plaintiff,**

23 **v.**

24 **TWITTER, INC., a corporation,**

25 **Defendant.**

26 **Case No. _____**

27 **JOINT MOTION FOR ENTRY OF**
28 **STIPULATED ORDER FOR CIVIL**
PENALTY, MONETARY JUDGMENT,
AND INJUNCTIVE RELIEF

1 Plaintiff the United States of America, acting upon notification and authorization to the Attorney
2 General by the Federal Trade Commission (“FTC” or “Commission”), filed its Complaint for Civil
3 Penalties, Permanent Injunction, Monetary Relief, and Other Equitable Relief, against Defendant Twitter,
4 Inc. for alleged violations of a 2011 FTC Administrative Order and Section 5 of the FTC Act, 15 U.S.C.
5 § 45. See ECF No. 1. The parties have resolved all issues in this matter through the attached proposed
6 Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief. Under the terms of the
7 Stipulated Order, Twitter agrees to pay \$150 million in civil penalties, reopen the underlying
8 administrative proceedings in FTC Docket No. C-4316 pursuant to Section 3.72(b) of the Commission’s
9 Rules of Practice, 16 C.F.R. § 3.72(b), and modify the Decision and Order in *In re Twitter, Inc.*, C-4316,
10 151 FTC LEXIS 162 (F.T.C. Mar. 2, 2011) with the Decision and Order set forth in Attachment A to the
11 Stipulated Order, and submit to substantial compliance reporting measures to ensure future compliance
12 with the law.

13 “Because of the unique aspects of settlements, a district court should enter a proposed consent
14 judgment if the court decides that it is fair, reasonable and equitable and does not violate the law or public
15 policy.” *Sierra Club, Inc. v. Elec. Controls Design, Inc.*, 909 F.2d 1350, 1355 (9th Cir. 1990)
16 (citing *Citizens for a Better Environment v. Gorsuch*, 718 F.2d 1117, 1125–26 (D.C. Cir. 1983)); see *SEC*
17 *v. Randolph*, 736 F.2d 525, 529 (9th Cir. 1984). In approving a settlement, a court “need not inquire into
18 the precise legal rights of the parties nor reach and resolve the merits of the claims or
19 controversy.” *Gorsuch*, 718 F.2d at 1126 (quoting *Metro. Hous. Dev. Corp. v. Vill. Of Arlington Heights*,
20 616 F.2d 1006, 1014 (7th Cir. 1980)). Rather, “[a]s long as the consent decree comes within the general
21 scope of the case made by the pleadings, furthers the objectives upon which the law is based, and does not
22 violate the statute upon which the complaint was based, the parties’ agreement may be entered by the
23 court.” *Sierra Club*, 909 F.2d at 1355 (quoting *Loc. No. 93, Int’l Ass’n of Firefighters, AFL-CIO C.L.C.*
24 *v. City of Cleveland*, 478 U.S. 501, 525–26 (1986) (quoting *Pacific R. Co. v. Ketchum*, 101 U.S. 289, 297
25 (1880))) (alterations and internal quotation marks omitted).

26 The Stipulated Order is fair, reasonable, and equitable. It addresses the concerns giving rise to the
27 Complaint by modifying the administrative order to require Twitter to undertake multiple measures that
28

1 will improve its protection of consumer data. These measures include prohibiting misrepresentations
2 about the extent to which the company protects the privacy of its users' nonpublic contact information,
3 including any misrepresentations about its use of such information, and requiring Twitter to implement a
4 comprehensive privacy and information security program with extensive procedures to safeguard user
5 information and assess internal and external data privacy risks. To afford consumers these protections as
6 soon as possible, the parties respectfully jointly request that the Court promptly effectuate this resolution
7 and enter the proposed Stipulated Order.

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1 Dated: [Date]

Respectfully submitted,

2 **FOR PLAINTIFF**
3 **THE UNITED STATES OF AMERICA:**

4 *Of Counsel:*

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FOR DEFENDANT TWITTER, INC.:

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1 **FILER ATTESTATION**

2 I, Zachary L. Cowan, attest under Local Rule 5-1(h)(3) that all other signatories listed and on
3 whose behalf the filing is submitted concurred in the filing of this document.
4

5
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