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U.S. COURT OF APPEALS
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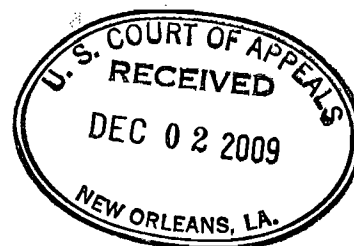
DEC 02 2009

CHARLES R. FULBRUGE III
CLERK

December 1, 2009

By Federal Express

Mr. Charles R. Fulbruge III, Clerk
U.S. Court of Appeals for the Fifth Circuit
600 South Maestri Place
New Orleans, LA 70130



Re: No. 09-10420 *Cathryn Harris, et al v. Blockbuster Inc.*
USDC No. 3:09-CV-217

Dear Mr. Fulbruge:

Pursuant to Federal Rule of Appellate Procedure 28(j), Appellant Blockbuster Inc. ("Blockbuster") notifies the Court of recent developments in a lawsuit captioned *Lane v. Facebook, Inc.*, pending in the Northern District of California (No. 08-cv-3845 RS) and the Ninth Circuit Court of Appeals (No. 09-17611). Appellees Harris, Hosseiny, and Herrera are purported members of the plaintiff class in *Lane*. Blockbuster is a named defendant in *Lane*, but it has not filed an answer or otherwise responded to the complaint. The plaintiffs' claims in *Lane* concern, *inter alia*, alleged violations of privacy laws by Facebook and a number of other defendants, including Blockbuster.

On the motion of the *Lane* plaintiffs and defendant Facebook, the *Lane* trial court entered an order preliminarily approving a nationwide class-action settlement of the claims at issue in that case. A final approval hearing is scheduled for February 26, 2010. Appellees have stated in court pleadings that they believe that the settlement, if finally approved, would resolve all of Appellees' claims in the case in this Court. Appellees have until February 1, 2010 to opt out of the *Lane* settlement. If they opt out, their individual claims would not be impacted by the *Lane* settlement. Before the settlement was preliminarily approved, Appellees unsuccessfully attempted to intervene in the *Lane* action. On November 19, 2009, Appellees appealed the *Lane* trial court's orders to the Ninth Circuit Court of Appeals.

Respectfully submitted,

Thomas S. Leatherbury
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