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10 Attorneys for Plaintiff
 FACEBOOK, INC.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15
 16 FACEBOOK, INC.,
 17 Plaintiff,
 18 v.
 19 ADAM GUERBUEZ; ATLANTIS BLUE
 CAPITAL; AND DOES 1-25,
 20 Defendants.
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Case No. C08 03889 JF HRL
**DECLARATION IN SUPPORT OF
 REQUEST TO ENTER DEFAULT**

1 I, Thomas J. Gray, declare:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 of record for Plaintiff Facebook, Inc., and I am duly admitted to practice before this Court. I have
4 personal knowledge of the facts set forth in this declaration, unless otherwise stated, and I could
5 and would testify competently to them if called as a witness.

6 2. I submit this declaration in support of Facebook's Request for Entry of Default as
7 to Defendants Adam Guerbuez and Atlantis Blue Capital.

8 3. A process server working on behalf of Facebook, Inc. served the Complaint and
9 Summons for this case on Defendants Adam Guerbuez and Atlantis Blue Capital on August 14,
10 2008. The Proof of Service and Declaration Regarding Service from the process server were
11 previously filed with the Court. *See* Docket Nos. 5 and 6.

12 4. Pursuant to Rule 12(a)(1) of the Federal Rules of Civil Procedure, I understand
13 that the responsive pleadings of Defendants Adam Guerbuez and Atlantis Blue Capital were due
14 20 days following service. The time period expired on September 3, 2008. Neither Defendant
15 Guerbuez nor Defendant Atlantis Blue Capital have filed an answer or other responsive pleading
16 or otherwise appeared in the case.

17 5. I have reviewed various Internet postings and videos of Defendant Guerbuez. In
18 some of them Defendant Guerbuez specifically states that he is 32 years old. Thus, upon
19 information and belief, Defendant Guerbuez is neither an infant nor an incompetent person, and
20 is not serving in the armed forces of the United States.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct to the best of my knowledge and that this declaration was executed
23 on September 10, 2008, at Irvine, California.

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By s/Thomas J. Gray
Thomas J. Gray

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 10, 2008.

Dated: September 10, 2008.

Respectfully submitted,

/s/ Thomas J. Gray
Thomas J. Gray