

1 D. GILL SPERLEIN (172887)
 2 THE LAW OFFICE OF D. GILL SPERLEIN
 3 584 Castro Street, Suite 879
 4 San Francisco, California 94114
 5 Telephone: (415) 404-6615
 6 Facsimile: (415) 404-6616
 7 gill@sperleinlaw.com

8 DOUGLAS L. BRIDGES (*pro hac vice*)
 9 HENINGER GARRISON DAVIS, LLC
 10 1 Glenlake Parkway, Suite 700
 11 Atlanta, Georgia 30328
 12 Telephone: (678) 638-6309
 13 Facsimile: (678) 638-6142
 14 dbridges@hgdllawfirm.com

15 TIMOTHY C. DAVIS (*pro hac vice*)
 16 BRIAN D. HANCOCK (*pro hac vice*)
 17 HENINGER GARRISON DAVIS, LLC
 18 2224 1st Avenue North
 19 Birmingham, Alabama 35203
 20 Telephone: (205) 326-3336
 21 Facsimile: (205) 326-3332
 22 bdhancock@hgdllawfirm.com

23 Attorneys for Plaintiff,
 24 DANIEL M. MILLER

25 **UNITED STATES DISTRICT COURT**
 26 **NORTHERN DISTRICT OF CALIFORNIA**
 27 **SAN FRANCISCO DIVISION**

| | |
|---|---|
| 28 DANIEL M. MILLER, Plaintiff, vs. FACEBOOK, INC. and YAO WEI YEO, Defendants. |)) CASE NO.: CV-10-264 (WHA))) PLAINTIFF DANIEL M. MILLER'S) MOTION FOR SUMMARY JUDGMENT)) Date: April 7, 2011) Time: 8:00 A.M.) Court: Courtroom 9, 19 th Floor) Judge: Honorable William Alsup))) |
|---|---|

1 **PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND NOTICE OF MOTION**

2 TO DEFENDANT FACEBOOK, INC., AND ITS COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE THAT at 8:00 A.M. on April 7, 2011, or as soon thereafter as
4 counsel may be heard, in Courtroom 9 on the 19th Floor of this Court, located at 450 Golden Gate
5 Avenue, San Francisco, California, before the Honorable William Alsup, Plaintiff Daniel M.
6 Miller will and hereby does move this Court, pursuant to Rule 56 of the Federal Rules of Civil
7 Procedure, for an Order dismissing with prejudice Defendant Facebook, Inc.'s ("Facebook")
8 Counterclaims that have been asserted against the Plaintiff (Dkt. No. 71).
9
10

11 WHEREFORE PREMISES CONSIDERED, the Plaintiff respectfully seeks the relief
12 herein requested and all other relief deemed appropriate and just by the Court.

13 Dated: March 3, 2011

Respectfully submitted,

14
15 s/ Brian D. Hancock

16 BRIAN D. HANCOCK (*pro hac vice*)
17 HENINGER GARRISON DAVIS, LLC
2224 1st Avenue North
18 Birmingham, Alabama, 35203
Telephone: (205) 326-3336
19 Facsimile: (205) 326-3332
20 bdhancock@hgdlawfirm.com

21 DOUGLAS L. BRIDGES (*pro hac vice*)
22 HENINGER GARRISON DAVIS, LLC
1 Glenlake Parkway, Suite 700
23 Atlanta, Georgia 30328
24 Telephone: 678-638-6309
Facsimile: 678-638-6142
25 Email: dbridges@hgdlawfirm.com

26 ATTORNEYS FOR PLAINTIFF
27
28