

EXHIBIT M

1 I, D. Gill Sperlein, declare as follows:

2 1. My name is D. Gill Sperlein. I am over eighteen years of age and am competent to
3 testify about the matters set forth herein. I have personal knowledge of the matters set forth
4 herein.
5

6 2. I serve as local counsel representing Plaintiff Daniel M. Miller in this matter.

7 3. With permission from the Court, I attended the initial Case Management
8 Conference on May 27, 2010.
9

10 4. Leaving the conference, I shared an elevator with Defense Counsel Neel Chatterjee
11 and another attorney representing Facebook at the Case Management Conference. We had a brief
12 discussion during which the defense attorneys indicated to me it would cost Plaintiff a lot to
13 prosecute this matter, whereas it would not cost Facebook a lot because Facebook had hired the
14 firm on a flat fee basis.
15

16 I declare under penalty of perjury that the foregoing is true and correct.
17

18 Date: March 3, 2011

/s/ D. Gill Sperlein

D. Gill Sperlein