

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DANIEL M. MILLER)	
Plaintiff,)	
)	
v.)	
)	Civil Action No.1:09-CV-2810-RLV
)	
)	
FACEBOOK, INC.; and)	
YAO WEI YEO)	
Defendants.)	

**CONSENT MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

Plaintiff Daniel M. Miller (“Plaintiff” or “Miller”) and Defendant Facebook, Inc. (“Facebook”), pursuant to Federal Rule of Civil Procedure 6(b), hereby move for an extension of time for Facebook to move, plead or otherwise respond to Plaintiff’s Complaint, in light of Facebook’s forthcoming filing of a 28 U.S.C. § 1404(a) motion to transfer (the “1404(a) Motion”).

By mutual consent of Facebook and Plaintiff, Facebook will file its 1404(a) Motion on December 2, 2009. The parties further agree that Facebook will have two weeks from the date that the Court enters its order ruling on the 1404(a) Motion to move, plead or otherwise respond to Plaintiff’s Complaint. This extension is for the convenience of the Court and the parties so that the

resolution of the venue issue is decided before the parties brief, and the Court addresses, the various issues which the parties anticipate will be raised in Facebook's other Rule 12 motions.

A proposed Order granting this consent motion is attached hereto as Exhibit A.

Respectfully submitted this 2nd day of December, 2009.

CONSENTED TO BY:

<p>HENINGER GARRISON DAVIS, LLC</p> <p><u>/s/Douglas L. Bridges</u></p> <p>Douglas L. Bridges Georgia Bar No. 080889</p> <p>Glenlake Parkway, Suite 700 Atlanta, GA 30328 Tel: (678) 638-6309 Fax: (678) 638-6201 dbridges@hgdllawfirm.com</p> <p>Brian D. Hancock AL Bar No.: ASB-0874-B65H TN Bar No.: 022827 2224-1st North Avenue Birmingham, AL 35203 Tel: 205-326-3336 Fax: 205-326-3332 bdhancock@hgdllawfirm.com</p> <p><i>Attorneys for Plaintiff Daniel M. Miller</i></p>	<p>MORRIS MANNING & MARTIN LLP</p> <p><u>/s/Jason P. Wright</u></p> <p>Jason P. Wright Georgia Bar No. 778280 W. Andrew McNeil Georgia Bar No. 498636</p> <p>1600 Atlanta Financial Center 3343 Peachtree Road, N.E. Atlanta, Georgia 30326-1044 Tel: (404) 233-700 Fax: (404) 365-9532 jwright@mmmlaw.com amcneil@mmmlaw.com</p> <p><i>Attorneys for Defendant Facebook, Inc.</i></p>
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Local Rule 7.1 Compliance

Pursuant to L.R. 7.1D, this is to certify that the foregoing CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT complies with the font and point selections approved by the Court in L.R. 5.1C. The foregoing document was prepared on computer using the Book Antiqua font (13 point).

/s/Jason P. Wright
Jason P. Wright
Georgia Bar No. 778280

CERTIFICATE OF SERVICE

I hereby certify that on this date, December 2, 2009, I caused the forgoing CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT to be filed electronically with the Clerk of the Court through ECF, and that ECF will send an e-notice to the attorneys of record in this case. Additionally the undersigned certifies that he has sent email notification of filing directly to those attorneys who have not yet entered a notice or appearance in this case:

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/s/ Jason P. Wright

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