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6  
7 **Attorneys for Defendant**  
**Yao Wei Yeo**

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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 **DANIEL M. MILLER,**

14 Plaintiff,

15 v.

16 **FACEBOOK, INC. and YAO WEI**  
17 **YEO,**

18 Defendants.

No. **3:10-CV-00264 (WHA)**

**STIPULATION AND ORDER**  
**SHORTENING TIME TO HEAR YAO**  
**WEI YEO'S MOTION TO SET ASIDE**  
**DEFAULT**

19 IT IS HEREBY STIPULATED by plaintiff Daniel M. Miller ("Plaintiff") and defendant  
20 Yao Wei Yeo ("Defendant"), through their respective attorneys of record herein, that  
21 Defendant's motion to set aside default may be heard on shortened time pursuant to Local Rule  
22 6-2.

23 The parties hereby stipulate that Defendant's motion to set aside default may be heard on  
24 May 19, 2011, on the same day and at the same time as Plaintiff's motion for entry of default  
25 judgment, now scheduled to be heard on said date at 8:00 a.m., in Courtroom 9, before the  
26 Honorable William Alsup. Pursuant to Local Rule 6-2(a)(1)-(3), the parties hereby submit the

1 following:

2 **A. Reasons for Shortening Time**

3 Plaintiff's pending motion for entry of a default judgment is currently set for the date  
4 indicated. Defendant Yao Wei Yeo only recently learned of this motion, as more fully set forth  
5 in his declaration filed in connection with his motion to set aside his default. Defendant Yao  
6 Wei Yeo believes there is good cause to set aside the default against him. This case is set for  
7 jury trial on June 13, 2011, and for Pre-Trial Conference on June 1, 2011. In order to resolve  
8 the pending issues regarding plaintiff's request to enter a default judgment and defendant's  
9 request to set aside the underlying default in an efficient manner, in advance of the pending  
10 dates, the parties agreed that the plaintiff's and defendant's motions should be heard at the same  
11 time, on the date plaintiff's motion is now set to be heard. Defendant Yao Wei Yeo's motion to  
12 set aside the default would otherwise be heard on 35 days notice, which would result in a  
13 hearing after the hearing on the plaintiff's motion and after the date of the Pre-Trial conference,  
14 which the parties believe is not efficient or expeditious.

15 **B. Previous Time Modifications**

16 There have been no other time modifications in the case involving or between plaintiff  
17 and defendant Yao Wei Yeo. A previous Stipulation enlarging time was made between plaintiff  
18 and defendant Facebook, Inc. on or about December 30, 2010, regarding certain dates and  
19 deadlines.

20 **C. Effect of Shortening Time on Current Court Schedule**

21 No dates currently set for pending events are affected by this stipulation. The only effect  
22 of this stipulation is the addition of defendant Yao Wei Yeo's motion to set aside the default  
23 against him to the court's calendar on May 19, 2011. It is not determined what if any impact  
24 the disposition of the motions might have on the court's current schedule for Pre-Trial  
25 Conference and Trial.

26 This stipulation is accompanied by the Declaration of Andrew P. Holland pursuant to

1 Local Rule 6-2(a).

2 By making this stipulation/motion to shorten the time required for the hearing on his  
3 motion to set aside default, Defendant Yao Wei Yeo does not hereby intend to make a general  
4 appearance, submit to the jurisdiction of this court or waive any defense that this court may not  
5 exercise personal jurisdiction over him or that he was not properly served with summons and  
6 complaint. Defendant Yao Wei Yeo expressly reserves said defenses.

7 By making this stipulation/motion to shorten the time required for the hearing on  
8 Defendant Yao Wei Yeo's motion to set aside default, Plaintiff does not hereby concede that  
9 there is good cause to deny Plaintiff's Motion for Default Judgment or grant Defendant Yao Wei  
10 Yeo's motion to set aside default nor does the Plaintiff, by making this stipulation, intend to  
11 waive any arguments he may have for or against said motions, respectively.

12 **IT IS SO STIPULATED.**

13 Dated: May 4, 2011.

**THOITS, LOVE,  
HERSHBERGER & McLEAN**

14  
15  
16 By s/ Andrew P. Holland  
**Andrew P. Holland**  
**Attorneys for Defendant**  
**Yao Wei Yeo**

17  
18 Dated: May 4, 2011.

**HENINGER GARRISON DAVIS, LLC**

19  
20 By s/ Brian D. Hancock  
**Brian D. Hancock**  
**Attorneys for Plaintiff**  
**Daniel M. Miller**

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22  
23 **Filer's Attestation:** Pursuant to General Order No. 45, section X(B), I attest under  
24 penalty of perjury that concurrence in the filing of this document has been obtained from its  
25 signatory.

26 Dated: May 4, 2011.

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**Respectfully Submitted**

By s/ Andrew P. Holland  
**Andrew P. Holland**  
**Attorneys for Defendant**  
**Yao Wei Yeo**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: May \_\_\_, 2011.

Honorable William Alsup  
**United States District Court Judge**