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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)**

**DECLARATION OF ANDREW P. HOLLAND IN SUPPORT OF STIPULATED REQUEST FOR ORDER SHORTENING TIME PURSUANT TO LOCAL RULE 6-2 TO HEAR YAO WEI YEO'S MOTION TO SET ASIDE DEFAULT**

19 I, Andrew P. Holland, declare as follows:

20 1. I am an attorney at law, duly licensed to practice before this court and all courts of  
21 the State of California, and am a shareholder with the law firm of Thoits, Love, Hershberger &  
22 McLean, attorneys for defendant Yao Wei Yeo. I am one of the attorneys responsible for this  
23 action.

24 2. Counsel for Yao Wei Yeo and Daniel M. Miller have reached a stipulation with  
25 regard to time modifications for Mr. Yeo's motion to set aside default.

26 3. Plaintiff's pending motion for entry of a default judgment is currently set for the

1 date May 19, 2011. Defendant Yao Wei Yeo only recently learned of this motion, as more fully  
2 set forth in his declaration filed in connection with his motion to set aside his default. Defendant  
3 Yao Wei Yeo believes there is good cause to set aside the default against him. This case is set  
4 for jury trial on June 13, 2011, and for Pre-Trial Conference on June 1, 2011. In order to  
5 resolve the pending issues regarding plaintiff's request to enter a default judgment and  
6 defendant's request to set aside the underlying default in an efficient manner, in advance of the  
7 pending dates, the parties agreed that the plaintiff's and defendant's motions should be heard at  
8 the same time, on the date now set for plaintiff's motion for entry of default judgment.  
9 Defendant Yao Wei Yeo's motion to set aside the default would otherwise be heard on 35 days  
10 notice, which would result in a hearing date after the hearing on the plaintiff's motion and after  
11 the date of the Pre-Trial conference, which the parties believe is not efficient or expeditious.

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

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

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

26 I declare under penalty of perjury under the laws of the State of California that the

1 foregoing is true and correct, and that this Declaration is executed on May 4, 2011 in Palo Alto,  
2 California.

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4 s/ Andrew P. Holland  
5 Andrew P. Holland  
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