

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)
 nchatterjee@orrick.com
 2 THOMAS GRAY (STATE BAR NO. 191411)
 tgray@orrick.com
 3 THERESA A. SUTTON (STATE BAR NO. 211857)
 tsutton@orrick.com
 4 JULIO C. AVALOS (STATE BAR NO. 4476370)
 javalos@orrick.com
 5 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 6 Menlo Park, CA 94025
 Telephone: 650-614-7400
 7 Facsimile: 650-614-7401

8 Attorneys for Defendant
 FACEBOOK, INC.

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

14 DANIEL M. MILLER,
 15 Plaintiff,
 16 v.
 17 FACEBOOK, INC. and YAO WEI YEO,
 18 Defendants.

Case No. 5:10-CV-00264 (WA)

DECLARATION OF THERESA A. SUTTON IN SUPPORT OF FACEBOOK, INC.'S MOTION FOR ADMINISTRATIVE RELIEF, PURSUANT TO CIVIL LOCAL RULE 7-11, FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE

Date: May 27, 2010
 Time: 8:00 A.M.
 Court: Courtroom 9, 19th Floor
 Judge: Honorable William Alsup

1 I, Theresa A. Sutton, declare as follows:

2 1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe, counsel for
3 Defendant Facebook, Inc. in this action, and a member of the Bar of the State of California. I
4 make this declaration in support of Facebook's Motion for Administrative Relief to continue the
5 May 27, 2010 Case Management Conference. I make this declaration of my own personal
6 knowledge and, if called as a witness, I could and would testify competently to the truth of the
7 matters set forth herein.

8 2. On May 18, 2010, plaintiff's counsel contacted Facebook to meet and confer
9 pursuant to Fed.R.Civ.P. 16. On May 19, 2010, Facebook asked plaintiff's counsel to stipulate to
10 the requested continuance until the Court resolves the currently-pending Motion for Leave to
11 Amend Complaint. Facebook contends that a case management conference is premature.
12 Plaintiff disagrees and, thus, refused to stipulate to a continuance.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct. Executed this 19th day of May 2010, at Menlo Park, California.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Theresa A. Sutton /s/
Theresa A. Sutton