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Miller v. Facebook, Inc. et al

COMES NOW Plaintiff Daniel M. Miller ("Plaintiff"), pursuant to Civil Local Rule 7-11(a), and moves this Honorable Court to excuse lead trial counsel for the Plaintiff, Brian D. Hancock and Douglas L. Bridges, from attending the Initial Case Management Conference in this action scheduled for May 27, 2010. In support thereof, Plaintiff states the following:

- This action was originally filed in the Northern District of Georgia, Atlanta
 Division.
- 2. Plaintiff's lead trial counsel, Brian D. Hancock and Douglas L. Bridges, are attorneys who reside, and regularly practice law, in Birmingham, Alabama and Atlanta, Georgia, respectively. When this action was transferred to the Northern District of California, the Plaintiff obtained D. Gill Sperlein of San Francisco as local counsel for the Plaintiff.
- 3. The Plaintiff's Motion for Leave to Amend Complaint (Dkt. No. 44) was filed on April 14, 2010 and provided for a hearing date of May 27, 2010, as set forth in the style of the motion. Due to the costs and time involved in flying from Alabama or Georgia to California, and the presence of highly-qualified local counsel in San Francisco knowledgeable as to the facts and law at issue in this action, including those efforts made by the Plaintiff to locate and serve Defendant Yeo Wei Yeo with the complaint, counsel for the Plaintiff had agreed that Mr. Sperlein alone would attend the hearing and oral argument on Plaintiff's Motion for Leave to Amend Complaint.
- 4. On April 15th, the Clerk of Court noticed the rescheduling of the Initial Case
 Management Conference from April 15, 2010, to May 27, 2010. Civil Local Rule 16-10(a)
 requires lead trial counsel for each party to attend the Initial Case Management Conference unless excused by the Court.

5.	Mr. Hancock and Mr. Bridges have conferred with Mr. Sperlein to discuss all
calendarii	ng issues, including those set forth in the Joint Case Management Statement (Dkt. No.
51) filed o	on May 20, 2010, and have authorized Mr. Sperlein to make any calendaring decisions
that may	arise during the Initial Case Management Conference.

6. Plaintiff's counsel has conferred with lead counsel for Defendant Facebook, Inc., and defense counsel has no objection to Mr. Sperlein attending the Initial Case Management Conference without Mr. Hancock or Mr. Bridges being present. Pursuant to Civil Local Rules 7-11(a) and 7-12, a stipulation to that effect is attached hereto as is a proposed order excusing Mr. Hancock and Mr. Bridges from attending the Initial Case Management Conference.

WHEREFORE PREMISES CONSIDERED, the Plaintiff respectfully seeks the relief herein requested and all other relief deemed appropriate and just by the Court.

Dated: May 21, 2010 Respectfully submitted,

s/ Brian D. Hancock

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ATTORNEYS FOR PLAINTIFF

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