

1 D. GILL SPERLEIN (172887)
 2 THE LAW OFFICE OF D. GILL SPERLEIN
 3 584 Castro Street, Suite 879
 4 San Francisco, California 94114
 5 Telephone: (415) 404-6615
 6 Facsimile: (415) 404-6616
 7 gill@sperleinlaw.com

8 DOUGLAS L. BRIDGES (*pro hac vice*)
 9 HENINGER GARRISON DAVIS LLC
 10 1 Glenlake Parkway, Suite 700
 11 Atlanta, Georgia 30328
 12 Telephone: (678) 638-6309
 13 Facsimile: (678) 638-6142
 14 dbridges@hgdlawfirm.com

15 BRIAN D. HANCOCK (*pro hac vice*)
 16 HENINGER GARRISON DAVIS LLC
 17 2224 1st Avenue North
 18 Birmingham, AL 35203
 19 Telephone: (205) 326-3336
 20 Facsimile: (205) 326-3332
 21 bdhancock@hgdlawfirm.com

22 Attorneys for Plaintiff,
 23 DANIEL M. MILLER

24 **UNITED STATES DISTRICT COURT**
 25 **NORTHERN DISTRICT OF CALIFORNIA**
 26 **SAN FRANCISCO DIVISION**

27 DANIEL M. MILLER,)	
)	CASE NO.: CV-10-264 (WHA)
28 Plaintiff,)	
)	DECLARATION OF BRIAN D. HANCOCK
29 vs.)	SUPPLEMENTING PROOF OF SERVICE
)	OF DEFENDANT YAO WEI YEO
30 FACEBOOK, INC. and YAO WEI YEO,)	
)	
31 Defendants.)	
)	

1 I, Brian D. Hancock, declare as follows:

2 1. My name is Brian D. Hancock. I am over eighteen years of age and am competent
3 to testify about the matters set forth herein. I have personal knowledge of the matters set forth
4 herein.
5

6 2. I am an attorney at Heninger Garrison Davis, LLC, 2224 1st Avenue North,
7 Birmingham, Alabama 35203, a law firm representing Plaintiff Daniel M. Miller in the above-
8 styled litigation.
9

10 3. In addition to the actions taken by Plaintiff's counsel, prior to May 26, 2010, to
11 locate and serve Defendant Yao Wei Yeo with the complaint in this matter, as set forth in the
12 Declaration of Douglas L. Bridges submitted to the Court on May 27, 2010, the Plaintiff has taken
13 additional action, including, but not limited to, the actions enumerated below, to locate and serve
14 Defendant Yeo with the Second Amended Complaint.
15

16 4. The Plaintiff served a subpoena duces tecum on Media Temple, Inc., a website
17 hosting and software application services company in Culver City, California, on June 3, 2010,
18 seeking all information in its possession pertaining to Defendant Yao Wei Yeo ("Yeo"). Media
19 Temple responded by providing information showing that Yeo is the listed account owner for the
20 "ZWIGGLERS.COM" domain name. The address listed by Media Temple for Yeo is 353 Third
21 Avenue, Suite 246, New York, NY 10010.
22

23 5. This is the address for UPS Store 5865 in Manhattan. The "Suite" number is a
24 mailbox number. On June 10, 2010, the Plaintiff served a subpoena duces tecum on this UPS
25 store to which UPS responded by providing a Mailbox Service Agreement and Application for
26 Delivery of Mail Through Agent form attached hereto as Plaintiff's Exhibit "A".
27

28

1 6. On June 17, 2010, the Plaintiff issued the Summons and Second Amended
2 Complaint via Certified Mail to “Yao Wei Yeo, 353 3rd Avenue, Suite 246, New York, NY
3 10010”. On June 28, 2010, the Summons and Second Amended Complaint were delivered to that
4 address and the certified mail receipt was signed by “Alex”, an employee of UPS Store 5865. A
5 copy of the “Track & Confirm” information from the United States Postal Service’s website
6 evidencing the June 28th delivery is attached hereto as Plaintiff’s Exhibit “B”. A copy of the
7 certified mail receipt is attached hereto as Plaintiff’s Exhibit “C”.

9 7. Pursuant to Federal Rule of Civil Procedure 4(e)(1) and §415.40 of the California
10 Code (2009), service was effected as against Defendant Yeo ten (10) days after delivery of the
11 Summons and Second Amended Complaint to UPS Store 5865, or July 8, 2010.

12 8. All other actions taken by the Plaintiff to locate and serve Defendant Yeo, such as
13 serving a subpoena duces tecum on Apple, Inc., Verizon Wireless, and T-Mobile f/k/a Omnipoint
14 Communications, Inc.; requesting all pertinent records from the New York Department of Motor
15 Vehicles; and having a “skip trace” performed by MLQ Attorney Services in Atlanta, Georgia,
16 have not resulted, at present, in any information helpful to the Plaintiff in perfecting service as to
17 Yeo.
18

19
20 I declare under penalty of perjury that the foregoing is true and correct.

21
22
23 July 8, 2010
Date

/s/ Brian D. Hancock
Brian D. Hancock