| 1 2 3 4 5 6 7 | I. NEEL CHATTERJEE (STATE BAR NO. 17 nchatterjee@orrick.com THOMAS GRAY (STATE BAR NO. 191411) tgray@orrick.com JULIO C. AVALOS (STATE BAR NO. 44763 javalos@orrick.com ORRICK, HERRINGTON & SUTCLIFFE LL 1000 Marsh Road Menlo Park, CA 94025 Telephone: 650-614-7400 Facsimile: 650-614-7401 Attorneys for Defendant FACEBOOK, INC. | 370) | | |
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| 9 | UNITED STATES DISTRICT COURT | | | |
| 10 | NORTHERN DISTRICT OF CALIFORNIA | | | |
| 11 | SAN FRANCISCO DIVISION | | | |
| 12 | | | 5 40 CH 00 2 C (H H H H | |
| 13 | DANIEL M. MILLER, | | Case No. 5:10-CV-00264 (WHA) | |
| 14 | Plaintiff, | DECLARATION OF JULIO C. AVALOS IN SUPPORT OF FACEBOOK INC.'S REPLY TO MOTION TO DISMISS | | |
| 15 | v. | | | |
| 16 | FACEBOOK, INC. and YAO WEI YEO, | Date: | September 16, 2010 | |
| 17 | Defendants. | Time: Court: | 8:00 A.M. Courtroom 9, 19th Floor | |
| 18 | | Judge: | Honorable William Alsup | |
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REPLY TO MOTION TO DISMISS 3:10-CV-00264 (WHA)

| 1 | I, Julio C. Avalos, declare as follows: | | |
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| 2 | 1. I am an associate at 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 Reply In Support of Motion to Dismiss. I make | | |
| 5 | this declaration of my own personal knowledge and, if called as a witness, I could and would | | |
| 6 | testify competently to the truth of the matters set forth herein. | | |
| 7 | 2. Attached hereto as Exhibit A is a true and correct copy of a certified court | | |
| 8 | reporter's transcript of the May 27, 2010 hearing on Miller's motion for leave to file a second | | |
| 9 | amended complaint. | | |
| 10 | Executed this 2nd day of September 2010, at Menlo Park, California. | | |
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| 12 | /s/ Julio C. Avalos /s/ Julio C. Avalos | | |
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| | OHS West:260982831.1 AVALOS DECL. ISO FACEBOOK REPLY 16069-2020 JV8/JV8 - 1 - TO MOTION TO DISMISS 3:10-CV-00264 (WHA) - | | |