

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@hgdllawfirm.com

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

22 Attorneys for Plaintiff,
23 DANIEL M. MILLER

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

27)	
28	DANIEL M. MILLER,)	CASE NO.: CV-10-264 (WHA)
)	
	Plaintiff,)	PLAINTIFF DANIEL M. MILLER'S
)	MOTION FOR ADMINISTRATIVE RELIEF,
	vs.)	PURSUANT TO CIVIL LOCAL RULE 7-11,
)	TO ALLOW SUPPLEMENTATION OF THE
	FACEBOOK, INC. and YAO WEI YEO,)	RECORD PERTAINING TO FACEBOOK,
)	INC.'S MOTION TO DISMISS PURSUANT
	Defendants.)	TO RULE 41(B), F.R.C.P.
)	
)	

1 COMES NOW Plaintiff Daniel M. Miller (“Plaintiff”), pursuant to Civil Local Rule 7-11,
2 and moves this Honorable Court to allow for the supplementation of the record in this matter
3 pertaining to Facebook, Inc.’s Motion to Dismiss Pursuant to Rule 41(b), F.R.C.P., (“Facebook’s
4 Motion”) (Dkt. No. 70) by appending the second page of the Mailbox Services Agreement
5 between Defendant Yao Wei Yeo (“Yeo”) and UPS Store 5865 to Plaintiff’s Response in
6 Opposition to Facebook’s Motion (Dkt. No. 72-1). In support thereof, Plaintiff states the
7 following:
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10 1. On June 10, 2010, the Plaintiff served a subpoena duces tecum on UPS Store 5865
11 in New York, New York, which was responded to by UPS on June 18th by providing a “Mailbox
12 Service Agreement” (“MSA”) and “Application for Delivery of Mail Through Agent” form
13 evidencing Yeo’s opening of Mailbox 246 at UPS Store 5865 on March 21, 2010.

14 2. These documents were attached as an exhibit to Plaintiff’s Response in Opposition
15 to Facebook’s Motion (Dkt. No. 72-1) that was filed with the Court on August 26, 2010.

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17 3. The first page of the MSA was produced to undersigned counsel’s office in
18 response to the Plaintiff’s subpoena. Upon calling the UPS Store, shortly after this production, to
19 inquire as to whether all responsive documents had been produced, undersigned counsel’s office
20 was informed by UPS that a full production had been made.

21
22 4. On September 7, 2010, undersigned counsel again contacted UPS Store 5865 to
23 inquire as to whether a full production had been made in response to the June 10th subpoena. As a
24 result of this inquiry, the second page of the MSA previously overlooked by UPS (attached hereto
25 as an exhibit) was faxed to undersigned counsel’s office on that same date, September 7th, as is
26 evident from the fax signature at the bottom of the page. On that same date, September 7th, a PDF
27 copy of Page 2 of the MSA was forward to counsel for Facebook via electronic mail.
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